



UPLAND PLANNING COMMISSION AGENDA

**April 22, 2015 at 6:30 PM
Council Chambers**

**GARY SCHWARY, CHAIR
BILL VELTO, VICE CHAIR
RON KING, COMMISSIONER
SCOT MOGA, COMMISSIONER
SID ROBINSON, COMMISSIONER
SHELLY VERRINDER, COMMISSIONER
CAROLYN ANDERSON CORRAO, COMMISSIONER
BRAD VERNACI, COMMITTEE MEMBER
RONALD CAMPBELL, COMMITTEE MEMBER**

CALL TO ORDER OF THE PLANNING COMMISSION REGULAR MEETING PLEDGE OF ALLEGIANCE

ROLL CALL

Commissioners Corrao, King, Moga, Robinson,
Verrinder, Vice Chair Velto, Chair Schwary

APPROVAL/MINUTES

March 25, 2015

COUNCIL ACTIONS

April 13, 2015

FUTURE AGENDA ITEMS

ORAL COMMUNICATIONS

This is the time for any citizen to comment on any items that are not listed on the agenda under "Public Hearings" but within the Planning Commission's purview. Anyone wishing to address the Planning Commission should submit a speaker card to the Planning Secretary prior to speaking. The speakers are requested to keep their comments to five (5) minutes. The use of visual aids will be included in the time limit. Under the provisions of the Brown Act, the Planning Commission is prohibited from taking action on items not listed on the agenda.

RECESS REGULAR PLANNING COMMISSION MEETING

CALL TO ORDER OF THE SPECIAL JOINT MEETING OF THE PLANNING COMMISSION AND AIRPORT LAND USE COMMITTEE

**ROLL CALL OF THE
PLANNING COMMISSION
AND AIRPORT LAND USE
COMMITTEE**

Committee Members Campbell, Vernaci

Commission/Committee Members Corrao, King, Moga,
Robinson, Velto, Verrinder, Chair Schwary

ORAL COMMUNICATIONS

This is the time for any citizen to comment on any items that are not listed on the agenda under "Public Hearings" but within the Planning Commission and Airport Land Use Committee's purview. Anyone wishing to address the Planning Commission and Airport Land Use Committee should submit a speaker card to the Planning Secretary prior to speaking. The speakers are requested to keep their comments to five (5) minutes. The use of visual aids will be included in the time limit. Under the provisions of the Brown Act, the Planning Commission is prohibited from taking action on items not listed on the agenda.

PUBLIC HEARING

**1. AIRPORT LAND USE COMMITTEE STUDY SESSION ON THE DRAFT AIRPORT
LAND USE COMPATIBILITY PLAN**

STAFF:	Shannon Kimball, Contract Senior Planner
APPLICANT:	CITY OF UPLAND
RECOMMENDATION:	That the Planning Commission: 1. Provide staff direction for continuation and schedule of upcoming public hearing.

STUDY SESSION

STAFF:	Shannon Kimball, Contract Senior Planner
APPLICANT:	CITY OF UPLAND
RECOMMENDATION:	That the Planning Commission: 1. Receive staff's presentation; 2. Provide questions or comments related to the overview of the Draft Airport Land Use Compatibility Plan No decisions will be made and no vote or action will be taken.

**ADJOURN SPECIAL JOINT MEETING OF THE PLANNING COMMISSION AND
AIRPORT LAND USE COMMISSION AND RECONVENE REGULAR PLANNING
COMMISSION MEETING**

PUBLIC HEARING

**2. PLANNING COMMISSION STUDY SESSION ON THE DRAFT GENERAL PLAN
UPDATE, DRAFT ZONING CODE UPDATE, DRAFT ZONING CODE MAP,
CLIMATE ACTION PLAN, AND DRAFT ENVIRONMENTAL IMPACT REPORT**

STAFF:	Shannon Kimball, Contract Senior Planner
APPLICANT:	CITY OF UPLAND
RECOMMENDATION:	That the Planning Commission: 1. Provide staff direction for continuation and schedule of upcoming public hearing.

STUDY SESSION

STAFF:	Shannon Kimball, Contract Senior Planner
APPLICANT:	CITY OF UPLAND
RECOMMENDATION:	That the Planning Commission: 1. Receive staff's presentation; 2. Provide questions or comments related to the overview of the Draft General Plan Update (GPU), Zoning Code Update (ZCU), Zoning Code Map, Climate Action Plan (CAP), and Draft Environmental Impact Report (DEIR); and No decisions will be made and no vote or action will be taken.

ADJOURNMENT

Adjourn to the next regularly scheduled Planning Commission meeting on May 27, 2015.

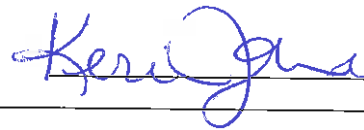
NOTICE TO PUBLIC: All maps, environmental information, and other data pertinent to this item are filed in the City of Upland Development Services Department and will be available for public inspection prior to the meeting at 460 North Euclid Avenue during normal business hours.

If you wish to appeal a decision of the Planning Commission, you must do so within ten (10) calendar days following the meeting for tentative tract maps and tentative parcel maps, and within fifteen (15) calendar days following the meeting for all other items. Please contact the Planning Division for information regarding the appeal procedure.

If you challenge the public hearing(s) or the related environmental determinations, in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Upland, at or prior to, the public hearing.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Division at 931-4130. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102-35.104 ADA Title II]

POSTING STATEMENT: I, Keri Johnson, Senior Administrative Assistant for the City of Upland, hereby certify that a true accurate copy of the foregoing agenda was posted on **April 16, 2015**, at least 72 hours prior to the meeting per Government Code Section 54954.2 on the bulletin boards at 450 N. Euclid Avenue (Upland Public Library), 475 N. 2nd Avenue (Upland Fire Department) and 460 N. Euclid Avenue (Upland City Hall).



Signature



**MINUTES OF THE REGULAR MEETING OF THE
UPLAND PLANNING COMMISSION AND JOINT SPECIAL MEETING
WITH THE AIRPORT LAND USE COMMITTEE HELD
WEDNESDAY, MARCH 25, 2015
AT 6:30 P.M.**

CALL TO ORDER

Commission Chair Schwary called the Regular Meeting of the Upland Planning Commission to order in the Council Chambers of the Upland City Hall at 6:32 p.m.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by *Commissioner Corrao*.

ROLL CALL

MEMBERS PRESENT: Commissioners Corrao, King, Robinson, Verrinder (arrived at 6:35 p.m.), Vice Chair Velto, Chair Schwary

MEMBERS ABSENT: Commissioner Moga

ALSO PRESENT: Development Services Director and Planning Commission Secretary Zwack, Assistant City Attorney Summerhill, Senior Planner Pace, Assistant Planner Bui, Assistant Planner Picazo, Contract Planner Kimball, Council Member Filippi, Consultant Judd, Consultant Brody, Consultant Barker, Consultant Gray, Senior Administrative Assistant Dolney, Senior Administrative Assistant Johnson

MINUTES

The approval of the minutes of the Planning Commission meeting of February 25, 2015

Moved by *Vice Chair Velto* to approve the Planning Commission meeting minutes of February 25, 2015.

The motion was seconded by *Commissioner Robinson*.

The motion carried by the following vote:

AYES: Commissioners Corrao, King, Robinson, Verrinder, Vice Chair Velto, Chair Schwary

NAYS: None ABSTAINED: None

ABSENT: Commissioner Moga

COUNCIL ACTIONS

Senior Planner Pace informed the Commissioners that at the March 23, 2015 City Council meeting, the Council approved a new software system to replace the current Permits Plus system.

FUTURE AGENDAS - None.

ORAL COMMUNICATIONS

Chair Schwary stated this is the time for any citizen to comment on any items that are not listed on the agenda under "Public Hearings" but within the Planning Commission's purview. Anyone wishing to address the Planning Commission should submit a speaker card to the Planning Secretary prior to speaking. The speakers are requested to keep their comments to five (5) minutes. The use of visual aids will be included in the time limit. Under the provisions of the Brown Act, the Planning Commission is prohibited from taking action on items not listed on the agenda.

Marilyn Mills, 311 Julia Court, Upland, stated she received the public hearing notice regarding the General Plan Update in her utility bill and she has concerns about the way the City is noticing. She felt most residents would not see the legal notices in the newspaper. She stated there is a lot to read and people do not understand the issue and need time to digest the information. She requested the City hold a town meeting because this is a major shift in the look and character of Upland and she is concerned.

John Jenkins, 1400 E. Arrow Highway, addressed the zoning change and reassessment of the southeast quadrant and provided the Commission with a history of the various zoning changes over the years. He stated it should be light industrial so it can generate City tax.

Chair Schwary asked *Mr. Jenkins* what his major concern is and *Mr. Jenkins* responded that Cherokee Wood Products would not be able to expand with this General Plan Update.

Assistant City Attorney Summerhill advised that the Commission can receive questions but cannot get into specifics. She suggested that all questions be referred to staff for follow up.

Pete Lang, Cherokee Wood Products, 1390 E. Arrow Highway, Upland, stated if this General Plan Update is approved he will be land locked and unable to expand his business.

There were no others wishing to address the Planning Commission and *Chair Schwary* closed Oral Communications.

PUBLIC HEARINGS

1. PUBLIC HEARING FOR EXCEPTION PERMIT NO. 14-20

Conditional Use Permit 14-20 to operate a 3,208 square foot full-service restaurant, with a Type 41 On-Sale Alcoholic Beverage Control (ABC) license for the sale of beer and wine within the Specific Plan (SP) land use designation and within the College Park Specific Plan (SPR-9) zone.

Project Location: 2440 W. Arrow Route, Suite 5D & 5E; within the College Park Retail Centre, south of Arrow Route and west of Monte Vista Avenue (APN 1007-371-10)

STAFF:	Jessica Bui, Assistant Planner
APPLICANT:	Shahriar "Shawn" Shavalian (dba Juancho's) 2480 Highland Rd. Upland, CA 91784
RECOMMENDATION:	That the Planning Commission: 1. Receive staff's presentation; 2. Hold a public hearing and receive testimony from the public; 3. Approve Conditional Use Permit 14-20, to permit a 3,208 square foot full-service restaurant, with a Type 41 On-Sale

	Alcoholic Beverage Control (ABC) license, subject to conditions of approval set forth in the draft resolution dated March 25, 2015.
COUNCIL HEARING REQUIRED:	Yes
APPEAL PERIOD:	15 days, ending April 9, 2015.

Chair Schwary read title to the aforementioned item, opened the public hearing and called for a report from staff.

Assistant Planner Bui presented the details of the staff report addressing Type 41 ABC license, hours of operation, seating capacity, parking, floor plan, and Conditions of Approval. She explained there will be no entertainment and only beer and wine will be served, and this use is consistent with the goals of the General Plan.

Vice Chair Velto inquired as to why the business is not staying open later given they are in the college community. *Assistant Planner Bui* responded that was the applicant's preference.

Discussion ensued regarding if there would be an opportunity to modify the hours of operation in the future through a new conditional use permit. *Senior Planner Pace* responded that it would not necessarily need a CUP it could be an administrative decision.

Commissioner Corrao asked if there are any other restaurants in that area and stated she is concerned about policing. *Senior Planner Pace* responded that the Police Department reviewed the proposed use and had no concerns but did provide Conditions of Approval which can be found in the Section 3.0.

Commissioner Verrinder questioned the emphasis on parking in the staff report. *Assistant Planner Bui* stated it was just part of the analysis to ensure there is sufficient parking to accommodate the use.

Commissioner King asked about the square footage of the restaurant and *Commissioner Robinson* inquired as to the size of the bar area. In response to the Commissioners questions, *Assistant Planner Bui* stated the restaurant is 3,208 square feet and the bar area is approximately 350 square feet.

Chair Schwary invited the applicant to address the Planning Commission.

Shahriar "Shawn" Shavalian, applicant, stated this restaurant has two other locations, one in Ontario for 18 years and one in Corona for three years. He explained he is very involved in both of those communities and since he lives in Upland he will be very close to this location and wants to make it one of the best. He explained that he is comfortable with selling only beer and wine, and it accounts for only 12-20% of his sales. He said his focus is really on the authentic Mexican food because that is what his customers come for.

In response to *Vice Chair Velto's* inquiry about why he isn't open longer, *Mr. Shavalian* stated he would like to increase the hours but would like to see how the business does first.

Chair Schwary invited those wishing to address the Planning Commission on this matter to do so at this time.

Jordan Reynolds, Assistant Project Manager, College Park Retail Center, expressed he is in favor of the project, stating the positives include this is a busy retail center, there will not be any entertainment or cover charge, only beer and wine will be served and it is located two blocks from the Montclair Police Department.

There were no others wishing to address the Planning Commission on this item, *Chair Schwary* closed the public hearing.

Vice Chair Velto stated this is a great center and a really nice facility.

Chair Schwary said he is thrilled about the Upland location and they have phenomenal food.

Moved by *Commissioner Robinson* to approve Conditional Use Permit 14-20, to permit a 3,208 square foot full-service restaurant, with a Type 41 On-Sale Alcoholic Beverage Control (ABC) license, subject to conditions of approval set forth in the draft resolution dated March 25, 2015.

The motion was seconded by *Commissioner King*.

The motion carried by the following vote:

AYES: Commissioners Corrao, King, Robinson, Verrinder, Vice Chair Velto, Chair Schwary

NAYS: None ABSTAINED: None

ABSENT: Commissioner Moga

RECESS REGULAR PLANNING COMMISSION MEETING AND CALL TO ORDER THE SPECIAL JOINT MEETING OF THE PLANNING COMMISSION AND AIRPORT LAND USE COMMITTEE

Chair Schwary called the Special Joint Meeting of the Planning Commission and Airport Land Use Committee to order at 7:11 P.M.

ROLL CALL OF THE PLANNING COMMISSION AND AIRPORT LAND USE COMMITTEE

MEMBERS PRESENT: Committee Member Vernaci

Commission/Committee Members Corrao, King, Robinson, Verrinder, Vice Chair Velto, Chair Schwary

MEMBERS ABSENT: Committee Member Campbell, Commission/Committee Member Moga

Assistant City Attorney Summerhill stated the following oral communication is for the Airport Land Use Compatibility Plan and rules and procedures do allow for public comment.

ORAL COMMUNICATIONS

Chair Schwary stated this is the time for any citizen to comment on any items that are not listed on the agenda under "Public Hearings" but within the Planning Commission and Airport Land Use Committee's purview. Anyone wishing to address the Planning Commission and Airport Land Use Committee should submit a speaker card to the Planning Secretary prior to speaking. The speakers are requested to keep their comments to five (5) minutes. The use of visual aids will be included in the time limit. Under the provisions of the Brown Act, the Planning Commission is prohibited from taking action on items not listed on the agenda.

There were no speakers wishing to address the Planning Commission and Airport Land Use Committee and *Chair Schwary* closed Oral Communications.

STUDY SESSION

1. AIRPORT LAND USE COMMITTEE STUDY SESSION ON THE DRAFT AIRPORT LAND USE COMPATIBILITY PLAN

STAFF:	Shannon Kimball, Contract Senior Planner
APPLICANT:	CITY OF UPLAND
RECOMMENDATION:	That the Planning Commission:

	<ol style="list-style-type: none">1. Receive staff's presentation;2. Provide questions or comments related to the overview of the Draft Airport Land Use Compatibility Plan3. Review each document in preparation for a public hearing on April 22, 2015. <p>No decisions will be made and no vote or action will be taken.</p>
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Senior Planner Pace introduced *Contract Senior Planner Kimball* and deferred to her for the presentation.

Contract Senior Planner Kimball presented details of the staff report on the Draft Airport Land Use Compatibility Plan explaining adjusted land use and development standards, limits on future land use development within the influence area, protects health, safety and welfare, and changes in the process determining compatibility to avoid future compatibility conflicts. She explained the influence area includes Los Angeles County but is only enforced in San Bernardino County. She said it is implemented through the General Plan and Zoning Map and clarifies compatibility uses in that area.

In response to *Chair Schwary's* inquiry regarding the most significant changes that weren't there before, *Contract Senior Planner Kimball* responded that one major change was related to zoning. *Consultant Ken Brody* (participating via Skype) added that it is more process oriented so that the criteria are more specific to evaluate any development proposal more carefully. He said the changes are more procedural for the future.

Discussion ensued regarding height, overlay standards, mixed use zones, extra layer of standards, land use adjustments, the differences between the old and proposed plan.

Commissioner/Committee Member Verrinder asked if the same conditions for residential apply in that area. She said she would like information included in brochures for prospective homeowners because people may not realize they are buying near an airport. *Consultant Brody* stated that general proximity disclosure is state law. *Chair Schwary* stated if disclosure is made part of the Harvest Development it can be included in other developments in that area. He asked if it is too specific to include in the General Plan and *Contract Senior Planner Kimball* replied that it is not too specific. *Chair Schwary* suggested that *Commissioner/Committee Member Verrinder* make a note to bring this up again at a future meeting.

Commissioner/Committee Member Verrinder stated the parcel across from the airport viewing area would be a great place for a park if it's a compatible use. Discussion ensued regarding City owned space at the end of landing pattern. *Senior Contract Planner Kimball* indicated that it is designated open space.

ADJOURN SPECIAL JOINT MEETING OF THE PLANNING COMMISSION AND AIRPORT LAND USE COMMITTEE AND RECONVENE REGULAR PLANNING COMMISSION MEETING

There being no further business to come before the Planning Commission and Airport Land Use Committee, *Chair Schwary* adjourned the Special Joint Meeting of the Planning Commission and Airport Land Use Committee at 7:40 P.M. and reconvened the Regular Planning Commission meeting.

STUDY SESSION

2. PLANNING COMMISSION STUDY SESSION ON THE DRAFT GENERAL PLAN UPDATE, DRAFT ZONING CODE UPDATE, DRAFT ZONING CODE MAP, CLIMATE ACTION PLAN, AND DRAFT ENVIRONMENTAL IMPACT REPORT

STAFF:	Shannon Kimball, Contract Senior Planner
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APPLICANT:	CITY OF UPLAND
RECOMMENDATION:	<p>That the Planning Commission:</p> <ol style="list-style-type: none">1. Receive staff's presentation;2. Provide questions or comments related to the overview of the Draft General Plan Update (GPU), Zoning Code Update (ZCU), Zoning Code Map, Climate Action Plan (CAP), and Draft Environmental Impact Report (DEIR); and3. Review each document in preparation for a public hearing on April 22, 2015. <p>No decisions will be made and no vote or action will be taken.</p>

Brian Judd, Principal at Place Works, provided a recap of the previous meeting information.

Contract Senior Planner Kimball provided a recap of the history of the project, public outreach, key zoning code changes, the consolidating of topics, new development standards, streamlining of development process and the elimination of the Project Review Committee as a decision making authority,

In response to *Chair Schwary* inquiry about how staff came to the changes in item number 34 of the table and shown as RM-1, *Contract Senior Planner Kimball* responded that multiple zones have been consolidated, four new mixed use zones were created and a new regional commercial zone was created.

Vice Chair *Velto* questioned what zone RS-10 meant. *Senior Contract Planner Kimball* indicated it would be zoned for one unit per 10,000 square feet.

Chair Schwary inquired about the property at Benson and 16th Street going from open space to mining. *Senior Contract Planner Kimball* indicated the space was previously zoned as open space, but was currently being used for mining. The change clarified the use of the land.

Commissioner Verrinder requested that staff reach out to the owner of Cherokee Wood Products.

Development Services Director and Planning Commission Secretary Zwack stated staff has reached out to all major stakeholders. He explained that the new land designations were created twelve months ago and have been made consistent with future plans. Future needs will be brought back to the Commission for discussion.

Contract Senior Planner Kimball presented key changes to the development standards, including increasing height allowances, outdoor storage, lighting, historic preservation, telecommunications and the use of special land use regulations.

Chair Schwary stated we are in a drought and he does not see standards for what type of landscaping is available and there is no clear direction provided of what is and is not acceptable. He requested that staff be more proactive and include maintenance. He asked staff to bring this information back for further discussion.

Commissioner Robinson suggested offering incentives for conservation.

Commissioner Verrinder stated she is concerned about maximum building on lots. Discussion ensued regarding mansionization, setbacks, minimizing square footage, not building to the lot line, and height.

Contract Senior Planner Kimball addressed the Commission's concerns and stated that staff has incorporated very specific design limits. She added that there is a max lot coverage (ranging from 35-50% in single-family zones) and a healthy setback requirement.

Assistant City Attorney Summerhill stated she has seen this in a number of jurisdictions and there are a variety of ways to minimize structure size including setbacks, open space ratios and maintaining reasonable front and back lot size.

Discussion ensued regarding the design standards and guidelines and *Contract Senior Planner Kimball* stated a new development must be compatible with the neighborhood. She reviewed the site design, building design, pedestrian orientation, transition between uses, performance standards for land use, lighting, parking and expressly prohibited uses such as medical marijuana establishments.

Vice Chair Velto inquired about automobile sales. *Contract Senior Planner Kimball* clarified that new automobile sales and leasing are allowed but used automobile sales are not.

Contract Senior Planner Kimball stated the EIR review period is from March 9 to April 22, 2015 and no comments have been received to date.

Chair Schwary stated he is only one vote but he believes there is still much to discuss and this item is not close to being ready to approve. He would like another study session be held on April 22. *Chair Schwary* also stated he is not comfortable with one person being given the authority to approve certain types of applications such as live/work developments. He said he is concerned about the approval process and feels it should be done in a public arena by the Planning Commission. He requested that staff provide a detailed bullet list at the next study session that includes what the Planning Commission will and will not be approving.

Commissioner Verrinder requested that staff prepare a report with all of the changes to make it easier to identify and she would like it to be clearly outlined.

Commissioner Corrao and *Vice Chair Velto* stated that would be helpful to them also.

Chair Schwary invited those wishing to address the Planning Commission to do so at this time.

Rosalie Martinez, 733 Blanchard Place, asked if there are plans to turn the area south of Arrow Highway that is zoned as public institution, over to the college at some point for future development.

Contract Senior Planner Kimball responded it is a Specific Plan Area in terms of how the college could use that site.

There were no other members of the public wishing to address the Planning Commission.

Chair Schwary thanked staff for a good job in keeping the Commission focused.

Commissioner Verrinder thanked staff and stated it is time to set a date for approval. *Chair Schwary* agreed and asked for it to be done as quickly as possible.

ADJOURNMENT

There being no further business to come before the Planning Commission, *Chair Schwary* adjourned the meeting at 8:28 P.M. in memory of Commissioner Moga's father Thomas Moga, and to the next regularly scheduled Planning Commission meeting on April 22, 2015, at 6:30 P.M.

Respectfully submitted,

Jeff Zwack, Secretary
Upland Planning Commission



PLANNING COMMISSION

REPORT

ITEM NO. 1

DATE: APRIL 22, 2015

TO: PLANNING COMMISSION AND AIRPORT LAND USE COMMITTEE

FROM: JEFF ZWACK, DEVELOPMENT SERVICES DIRECTOR

PREPARED BY: SHANNON KIMBALL, CONTRACT PLANNER
TONYA PACE, SENIOR PLANNER

SUBJECT: UPLAND GENERAL PLAN UPDATE, ZONING CODE UPDATE, CABLE AIRPORT LAND USE COMPATIBILITY PLAN AND CLIMATE ACTION PLAN: RESPONSE TO PLANNING COMMISSION AND PUBLIC COMMENTS ON PLANS FROM MARCH 25, 2015 STUDY SESSION

RECOMMENDED ACTION

That the Planning Commission and Airport Land Use Committee:

- Receive staff's presentation; and
- Discuss responses to comments from the March 25, 2015 Study Session;

No decisions will be made and no vote or action will be taken.

PURPOSE OF STUDY SESSION

The purpose of this Study Session is to provide a response to the Planning Commission, Airport Land Use Committee and public comments received at the March 25, 2015 Study Session, and summarize public comments received to date during the 45-day public review period of the Draft Environmental Impact Report (DEIR). Minutes from previous Planning Commission meetings are included as Attachment A.

Planning Commission and Airport Land Use Committee comments from the March 25, 2015 Study Session addressed the following topics:

- *Cable Airport Brochure.* The Commission requested that information related to Cable Airport be provided in brochures to prospective homeowners who live in proximity to the airport, to make sure they are aware of potential impacts associated with the airport.
- *Landscaping.* The Commission asked that Staff revisit the Landscaping Chapter (Chapter 17.12) of the ZCU to augment the Code, where appropriate, in response to the severe drought. On April 1, 2015, Governor Brown also issued a State mandatory water conservation order, which requires the City to reduce water use by 25%.
- *Levels of Review.* The Commission requested that Staff identify the existing level of review and the proposed level of review (i.e., Staff level, Planning Commission, or City Council) for each land use and permit type based on the existing Zoning Code and the proposed Zoning Code Update (ZCU).

Community comments from the March 25th Study Session addressed the following topics:

- *Density.* Comments were received that expressed concern about density in the City and related traffic and circulation concerns.
- *Changes to Individual Parcels.* Questions were asked that relate to the status and effect of zoning on individual parcels, specifically, parcels at 1390 E. and 1400 E. Arrow Highway and 733 Blanchard Place.

Three written responses and several phone inquiries have been received during the 45-day public review period of the DEIR addressing the following topics:

- *Emergency Homeless Shelters and Transitional and Supportive Housing.* One comment inquired about which zones allow emergency shelters and transitional and supportive housing by right pursuant to the requirement of Senate Bill (SB) 2, and requested that the requirements of SB 2 be contained in the General Plan Update (GPU) and ZCU.
- *Request for Extension of Comment Period and Public Documents.* Two letters were received requesting additional documents and an extension of the public review period for 30 days.
- *Noise and Air Pollution along 210 Freeway.* Two comments were received expressing concern about the City's efforts to reduce noise and air pollution along the 210 Freeway.

CABLE AIRPORT

The Planning Commission and Airport Land Use Committee requested that information related to Cable Airport be provided in brochures to prospective homeowners who live in proximity to the airport, to make sure they are aware of potential impacts associated with the airport with respect to noise, safety, and overflight. Commissioner Verrinder expressed concern that homebuyers may not realize that they are buying near an airport.

As of January 1, 2004, residential property owners are required, under certain circumstances, to disclose to prospective buyers that the property is in the "vicinity" of an airport (Assembly Bill 2776), which is defined as the airport influence area. AB 2776 requires disclosure that an airport is in the vicinity of residential property under three circumstances: (1) when a new subdivision is created; (2) when a new common-interest development such as a condominium is created; and (3) when a "natural hazard disclosure statement" is prepared in connection with the transfer of property. The hazard disclosure is required only when property is located in an area of (1) potential flooding, (2) very high fire hazard zone, (3) earthquake fault zone, (4) seismic hazard zone, or (5) wildlands with forest fire risk. If the property does not fit one of these categories, no hazards report needs to be prepared and thus no "notice of airport in vicinity" is required.

In addition to the requirements of real estate disclosure laws, Staff recommends that a standard condition of approval be applied to new residential developments within the airport influence area that require that the Covenants, Conditions and Restrictions contain the disclosure requirement. Staff will also create a brochure with information and safety risks pertaining to the airport, which may be distributed to interested persons inquiring about property within the airport influence area. These brochures will be kept at the public counter.

LANDSCAPING

The Planning Commission requested that Staff revisit the Landscaping Chapter (Chapter 17.12) of the ZCU to augment measures, where appropriate, in response to the severe drought. In addition, on April 1, 2015, Governor Brown issued a State mandatory water conservation order, which requires that jurisdictions reduce water use by 25%.

Background

The City has several ordinances and programs that address water conservation. The City's conservation ordinances [Chapters 13.16 and 13.20 of the Upland Municipal Code (UMC)] are in place to regulate existing development. The City's Landscape Ordinance (Chapter 17.12 in the ZCU) regulates new development and rehabilitated landscapes.

Chapter 13.16 of the UMC was adopted in 2005 to address prevailing water shortages in the City. This ordinance enables the City Council the power to enforce a year round conservation program as outlined in the Ordinance, as well as additional restrictions for various stages of drought, including moderate water

shortages, high shortages and severe shortages. Chapter 13.20 of the Municipal Code (Water Conservation Retrofit) also contains provisions for when a plumbing fixture is being replaced in a home, apartment, commercial building, etc., which require that the fixture be replaced with a water-conserving fixture.

The City's existing landscape ordinance (Chapter 17.26 of the UMC) was adopted in 2009 in response to a declared statewide drought, and follows the State's adopted water efficient landscape model. The proposed landscape ordinance in the ZCU (Chapter 17.12) retains the provisions of the existing code, and adds new regulations to address maintenance, the use of turf, and parkway landscaping. The City will continue to ensure consistency with the State's water efficient landscape model, which is pending an update.

Recommended Changes to Landscape Ordinance

In response to the Planning Commission's request at the March 25, 2015 Study Session, the Planning and Public Works Staff met to discuss additional measures that could be strengthened in the landscape ordinance to facilitate an increase in water conservation in new or rehabilitated landscapes, including the following:

- Requiring (rather than encouraging) that all irrigation systems for new development be designed to prevent runoff and over-spray, through the use of drip or micro-spray systems. (17.12.060 D.4)
- Requiring that plants and trees be selected from a City-approved list of drought tolerant, California-friendly and non-invasive species, as provided by the Public Works Department. (17.12.070 B)
- Increasing the distance of planted trees from every 20 feet to every 40 feet and only requiring one tree per lot (17.12.070 D and E)
- Prohibiting turf in public parkways (17.12.080 A).
- Increasing the area allowed for permeable decorative hardscape from 40% to 60%. (17.12.080 B)
- Increasing the amount of time to replace or remove a dead or dying plant from 90 days to 180 days. (17.12.100 B).

REVIEW AND DECISION MAKING AUTHORITY

Table 1 below identifies the decision making authority for each type of permit. There are **NO** changes to the existing review process, with one exception: in an effort to streamline the application review process, under the direction of the Blue Ribbon Committee, and to save time and money to the applicant, the Administrative Review Committee is no longer required to hold a noticed public hearing to approve projects (and is therefore not shown in the table). The Administrative Review Committee has been changed to be called Project Review Committee, and is comprised of the same members (representatives from Planning,

Public Works, Building, Fire and Police). The Project Review Committee will function in the same capacity as the former Administrative Review Committee to review, comment, and approve an application (with or without conditions). Once approved, the application will be submitted to the proper decision making authority (Development Services Director or Planning Commission) for recommendation or approval.

Table 1: Review and Decision-Making Authority

Type of Action	Role of Authority [1]		
	Development Services Director or Designee [2][3]	Planning Commission	City Council
City Council Decisions - Legislative Actions			
Development Agreements	Recommend	Recommend	Decision
Zoning Code Amendments	Recommend	Recommend	Decision
General Plan Amendments	Recommend	Recommend	Decision
Specific Plan Review	Recommend	Recommend	Decision
Planning Commission Decisions - Discretionary Approvals			
Conditional Use Permit	Recommend	Decision	Appeal
Historic Demolition	Recommend	Decision	Appeal
Local Register Designation/Removal	Recommend	Decision	Appeal
Parcel Map	Recommend	Decision	Appeal
Tract Map	Recommend	Decision	Appeal
Variance	Recommend	Decision	Appeal
Development Services Director Decisions [2] - Discretionary Approvals			
Administrative Determination	Decision	Appeal	Appeal
Administrative Use Permit	Decision	Appeal	Appeal
Change of Use	Decision	Appeal	Appeal
Extension of Time	Decision	Appeal	Appeal
Film Permit	Decision	Appeal	Appeal
House Moving	Decision	Appeal	Appeal
Lot Line Adjustment	Decision	Appeal	Appeal
Lot Merger	Decision	Appeal	Appeal
Minor Adjustment	Decision	Appeal	Appeal

Type of Action	Role of Authority [1]		
	Development Services Director or Designee [2][3]	Planning Commission	City Council
Sign Review	Decision	Appeal	Appeal
Similarity of Use	Decision	Appeal	Appeal
Development Plan Review	Decision	Appeal	Appeal
Special Event	Decision	Appeal	Appeal
Street Vacation	Decision	Appeal	Appeal
Temporary Sign	Decision	Appeal	Appeal
Zoning Clearance	Decision	Appeal	Appeal

Note:

1. "Recommend" means that the review authority makes a recommendation to a higher decision-making body. "Decision" means that the review authority makes the final decision on the matter. "Appeal" means that the review authority shall consider and decide upon appeals to the decision of an earlier decision-making body.
2. Requires comment and approval from the Project Review Committee, prior to Development Services Director's Decision.
3. Entails no change in decision making authority from the existing Zoning Code to the new Zoning Code.

CHANGES TO PERMITTED LAND USES

Following is a summary of the key changes from the existing Zoning Code to the new Zoning Code with respect to the required permit for each land use, in each zoning category.

Key: **P:** Permitted by Right
AUP: Administrative Use Permit
CUP: Conditional Use Permit

Single Family Residential

Change from Not Allowed (Existing Code) to Allowed (New Code)

The primary change to the existing Zoning Code is the introduction of new land uses that are currently not allowed:

- Large family day care facilities (7 to 12 children)(AUP)
- Small residential care facilities (6 or fewer residents) (P)
- Supportive and transitional housing (6 or fewer residents) (P)
- Community gardens (CUP)
- Libraries (CUP)

- Government facilities (CUP)
- Cottage food operations (CUP)
- Bed and breakfasts (CUP)

Change from Allowed (Existing Code) to Not Allowed (New Code)

Uses that are currently permitted will no longer be permitted under the new Code due to their incompatibility with residential uses, including:

- Airports
- Cemeteries
- Colleges/trade schools

Change from CUP (Existing Code) to AUP (New Code)

- Minor and major utilities, which are services that are required to support development (e.g., electrical substations, transformers, water and sewer pump stations, etc.)

Mobile Homes

Change from Not Allowed to Allowed

- Major home occupations (AUP)
- Small supportive or transitional housing (P)
- Community gardens (CUP)
- Cottage food operations (AUP)

Change from Allowed to Not Allowed

- Boarding homes
- Large residential care facilities (7 or more residents)
- Child care/day care centers
- Community centers
- Colleges/trade schools
- Crop cultivation (greater than 1 acre)

Change from CUP to P

- Mobile homes or mobile home parks (only permitted in MH Zone)
- Small residential care facilities (6 or fewer residents), as required by State law

Change from CUP to AUP

- Utilities (major and minor)

Multi-Family Residential

Change from Not Allowed to Allowed

- Emergency shelters (CUP)
- Major home occupations (AUP)
- Skilled nursing facilities (CUP)
- Small supportive/transitional uses (6 or fewer residents) (P)
- Large supportive/transitional uses (7 or more residents) (AUP)
- Hospital (CUP)
- Government office (AUP)
- Public safety facilities (AUP)

Change from Allowed to Not Allowed

- Single family dwelling
- Colleges or trade schools
- Crop cultivation (greater than 1 acre)

Change from CUP to P

- Small family day care (6 or fewer children)
- Small residential care facility (6 or fewer residents), as required by State law
- Senior housing apartments

Change from CUP to AUP

- Large family day care (7 to 12 children)
- Multi-family residential (apartments)
- Community center
- Library
- Park/playground
- Utilities

Commercial

Change from Not Allowed to Allowed

- Live/work units (CUP)
- Community garden (CUP)
- Funeral home/mortuary (CUP)
- Alcohol sales (off-site) (CUP)
- Animal boarding (CUP)
- Check cashing business (P)
- Outdoor dining, unless associated with alcohol sales (AUP)
- Fire arms establishments (CUP)
- Mobile food business (AUP)

- Gym/health club (AUP)
- Psychics (AUP)
- Public storage (AUP)
- Large recycling facility (CUP)
- Smoke lounge/tobacco/hookah/evape (CUP)
- Tattoo (AUP)
- Telecommunication facilities (AUP, CUP)
- Structured parking (P)

Change from Allowed to Not Allowed

- Guest house
- Multi-family residential
- Airport
- Cemeteries
- Golf courses
- Auto storage/towing
- Mixed-use

Change from CUP to P

- Parks and playgrounds
- Animal hospital

Change from CUP to AUP

- Community center
- Cultural and religious facilities
- Colleges and trade schools
- Auto repair
- Auto service station
- Carwash
- Smog test
- Movie theater
- Utilities

Office

Change from Not Allowed to Allowed

There are too many uses to list here. Please refer to Attachment B for a comprehensive list.

Change from Allowed to Not Allowed

- Residential care facilities

Change from CUP to P

- Libraries

Change from CUP to AUP

- Cultural and religious facilities

Light Industrial

Change from Not Allowed to Allowed

There are too many uses to list here. Please refer to Attachment B for a comprehensive list.

Change from Allowed to Not Allowed

- Accessory structures
- Live/work
- Cemeteries
- Adult businesses
- Restaurants
- Personal services
- Retail, general merchandise
- Mining

Change from CUP to P

None

Change from CUP to AUP

None

General Industrial

Change from Not Allowed to Allowed

There are too many uses to list here. Please refer to Attachment B for a comprehensive list.

Change from Allowed to Not Allowed

- Airports
- Cemeteries
- Golf courses and country clubs

- Library
- Parks and playgrounds
- Private educational institutions (K-12)
- Mining

Change from CUP to P

None

Change from CUP to AUP

- Community center
- Cultural and religious facility
- College or trade school

COMMUNITY COMMENTS ON DRAFT DOCUMENTS

Additional comments were received by the public at the March 25, 2015 Study Session, and through phone inquiries and in written form during the 45-day public review period. These are addressed individually below.

Density

Comments were heard at the March 25, 2015 Study Session expressing concern over density in the City, and the impacts that new development may have on traffic. Table 2 below provides a comparison of the existing and proposed maximum allowed density limits by zone. As shown in the table, the proposed Zoning Code does not increase the densities of existing zones. The new mixed-use zones allow residential up to 20 units per acre in the Business/Residential Mixed-Use (B/R MU) Zone and Commercial/Office Mixed-Use (C/O MU) Zone, and up to 25 units per acre in the Commercial Industrial Mixed-Use (C/I MU) Zone. These correspond to existing density limits in the City and provide more flexibility to allow residential uses in limited areas of the City, specifically in mixed-use zones along Foothill Boulevard, Benson Avenue, Central Avenue and Arrow Highway. With respect to traffic impacts, all study intersections and roadway segments are forecast to operate acceptably under General Plan 2035 conditions, with mitigation incorporated.

Table 2: Existing and Proposed Densities

Zone	Existing Density	Proposed Density
RS-20	1 unit per 20,000 sq. ft.	1 unit per 20,000 sq. ft.
RS-15	1 unit per 15,000 sq. ft.	1 unit per 15,000 sq. ft.
RS-10	1 unit per 10,000 sq. ft.	1 unit per 10,000 sq. ft.
RS-7.5	1 unit per 7,500 sq. ft.	1 unit per 7,500 sq. ft.
RS-4	1 unit per 4,000 sq. ft.	1 unit per 4,000 sq. ft.
RS-MH	14 units per net acre	14 units per net acre
RM-10	12 units per net acre	10 units per net acre
RM-20	20 units per net acre	20 units per net acre
RM-30	30 units per net acre	30 units per net acre
C/R MU	N/A	20 units per acre
B/R MU	N/A	20 units per acre
C/O MU	N/A	20 units per acre
C/I MU	N/A	25 units per acre

Changes to Individual Parcels

Questions were asked at the prior public hearing that relate to the status and effect of zoning on individual parcels:

- 1400 E. Arrow Highway. The parcel at 1400 E. Arrow Highway is zoned for multi-family residential use (RM-3) in the ZCU, consistent with parcels to the east. The owner of the property would like the zoning designation to be Light Industrial, consistent with the existing zoning and the existing use of the property. The reason for this is that a Light Industrial zoning would allow the adjacent property owner at 1390 E. Arrow Highway to expand his business, Cherokee Wood Products. Staff recommends changing the zoning back to Light Industrial. This would provide for additional jobs in the City, which is an important goal of the General Plan, and would be compatible with the current use and adjacent uses to the west. This change would not affect the EIR.
- 733 Blanchard Place. The property owner of 733 Blanchard Place asked if there were plans to convert the area south of Arrow Highway that is zoned as Public Institutional and RS-7.5 over to the Claremont Colleges at some point for future development. Staff responded that the area zoned for Public

Institutional is owned by the Claremont Consortium, and discussed various options with the property owner about the future use of the other parcels zoned RS-7.5.

Emergency Homeless Shelters and Transitional and Supportive Housing

One comment was received that inquired about which zones allow emergency shelters and transitional and supportive housing by right pursuant to the requirement of Senate Bill (SB) 2, and requested that the requirements of SB 2 be contained in the General Plan Update (GPU) and ZCU. A response was provided that indicated that emergency shelters are allowed by right in the Light Industrial and General Industrial Zone, and through an AUP in the Public/Institutional zone. Supportive and Transitional housing is allowed by right in all residential zones, and through an AUP in the multi-family residential zones and B/R MU zone. Staff also responded that the appropriate document to describe the requirements of SB 2 is in the adopted Housing Element, which is related but not including in this planning process.

Noise and Air Pollution along 210 Freeway

Two comments were received expressing concern about the City's efforts to reduce noise and air pollution along the 210 Freeway. While these concerns are related to existing noise and air issues, the proposed General Plan Update does contain policies in the Safety Element and the Open Space and Conservation Element to help mitigate for noise and air quality impacts, respectively, for future development near the freeways. It should be noted that there is a proposed policy (Policy SAF-1.9) in the Safety Element which encourages the use of design strategies and other noise reduction methods along transportation corridors in lieu of sound walls to mitigate noise impacts and enhance aesthetics.

Request for Documents

A comment letter was received requesting additional documents referenced in the proposed plans. Staff is compiling a response with the attached documents, and will provide the documents on the City's website for public review. These documents include appendices to the Cable Airport Land Use Compatibility Plan and background documents associated with Cable Airport (i.e., 2011 Master Plan, Conditional Use Permit, etc.). A map showing the City's Prime Farmland was also requested, which will be provided in the City's response to comments as an edit to the DEIR.

EXTENSION OF PUBLIC REVIEW PERIOD

The Public Review Draft of the EIR, GPU, ZCU, CAP, and CALUCP were released to the public, responsible and trustee agencies and interested parties for a 45-day review period beginning March 9, 2015 through April 22, 2015. The comment period will be extended to Tuesday, May 26, 2015, in response to a comment letter received by a representative of a property located near Cable Airport who requested the need for additional time to thoroughly review each document. A public notice

extending the comment period will be published in the paper on Monday April 20, 2015.

Responses to each of the comments will be included in a Final Environmental Impact Report that will be considered by the City Council prior to adoption of the GPU, ZCU, CALUCP and CAP.

All documents are available for viewing on the City's website at www.ci.upland.ca.us, at the Development Services Department in City Hall, and at the Upland City Library.

The City will evaluate and prepare responses to all written comments received from both citizens and public agencies during the public review period. To date, no written comments have been received.

NEXT STEPS

After the comment period ends on May 26, 2015, responses to comments will be prepared for inclusion in the Final EIR. A Planning Commission hearing date and City Council hearing date are pending.

ATTACHMENTS

- A. Planning Commission Minutes as Requested by the Planning Commission on March 25, 2015
- B. Existing and New Zoning Code - Permitted Land Uses

**Attachment A – Planning Commission
Minutes as Requested by the Planning
Commission on March 25, 2015**

**MINUTES OF A SPECIAL JOINT WORKSHOP OF THE
UPLAND CITY COUNCIL AND PLANNING COMMISSION
JULY 31, 2012**

1. OPENING

The special joint meeting of the Upland City Council and Planning Commission was called to order by Mayor Musser at 5:02 p.m. in the City Council Chambers.

2. ROLL CALL

Present: Mayor Ray Musser, Councilmembers, Kenneth Willis, Brendan Brandt, Gino Filippi, Debbie Stone, Planning Chairman Gary Schwary, Commissioners George Morris, Ron King, Scot Moga, Carol Timm, Bill Velto, Shelly Verrinder

Staff: City Manager Stephen Dunn and City Clerk Stephanie Mendenhall

3. ORAL COMMUNICATIONS

Dee Barrow and Robin Hdviston each commented on police services after reading the article in the opinion section of the newspaper.

4. GENERAL PLAN UPDATE WORKSHOP

Director Zwack gave a brief introduction.

Brian Judd with The Planning Center spoke about the General Plan Update purposes and process, Shannon Kimball of The Planning Center provided an overview of the draft goals for the Land Use and Community Character Elements and Focus Areas, and Chris Gray with Fehr and Peers provided an overview of the goals for the Circulation Element.

5. ADJOURNMENT

Mayor Musser adjourned the meeting at 5:58 p.m. The next regularly scheduled City Council meeting is August 13, 2012 at 6:00 p.m. and the Planning Commission meeting is scheduled for August 22, 2012 at 6:30 p.m.

SUBMITTED BY:


Stephanie A. Mendenhall

APPROVED:

August 13, 2012

**MINUTES OF A SPECIAL JOINT WORKSHOP OF THE
UPLAND CITY COUNCIL AND PLANNING COMMISSION
AUGUST 15, 2012**

1. OPENING

The special joint meeting of the Upland City Council and Planning Commission was called to order by Mayor Musser at 5:03 p.m. in the City Council Chambers.

2. ROLL CALL

Present: Mayor Ray Musser, Councilmembers, Kenneth Willis, Brendan Brandt, Gino Filippi, Debbie Stone, Planning Commissioners George Morris, Scot Moga, Carol Timm, Shelly Verrinder

Absent: Commissioner Bill Velto

Staff: City Manager Stephen Dunn and City Clerk Stephanie Mendenhall

Planning Chairman Gary Schwary and Commissioner Ron King arrived at 5:06 p.m.

3. ORAL COMMUNICATIONS

Dave Stevens, shared the concerns of Upland Heritage regarding proposed land use changes at the east side of Euclid Avenue, north of Foothill Boulevard, bordering the shopping center. He asked that the land use and zoning stay as single-family to support the preservation of the existing homes.

4. GENERAL PLAN UPDATE WORKSHOP

Shannon Kimball with The Planning Center provided an overview of the draft goals for the Economic Sustainability, Open Space and Conservation, Public Facilities and Services, and Safety Elements and Mark Hoffman with The Planning Center provided an overview of the draft goals for the Healthy Community Element.

5. ADJOURNMENT

Mayor Musser adjourned the meeting at 5:51 p.m. The next regularly scheduled City Council meeting is September 10, 2012 at 6:00 p.m. and the Planning Commission meeting is scheduled for August 22, 2012 at 6:30 p.m.

SUBMITTED BY:


Stephanie A. Mendenhall

APPROVED:

September 10, 2012

**Blue Ribbon Committee
Meeting Notes
May 22, 2013**

Meeting Topic: The Planning Entitlement Process

Attendees:

Mark Bertone, Chair
Bob Cable
George Gibson
John Heimann
Kevin Kent
Joe Ramos
Stacey Sassaman
Max Williams

Absent:

Scot Moga

Staff:

Jeff Zwack
Karen Peterson

Planning Division Staffing

- There are three (3) full-time planners and two (2) part-time counter technicians.
- There is a wide range of experience level between the Planning Manager and the Assistant Planners; Assistant Planners require technical oversight on more complex projects.
- The counter technicians are new and are being trained.

Functions/Time Allocation

- The Planning Division handles current, advance, and regional planning projects; the Division is currently working on major policy documents, including comprehensive updates to the General Plan, Zoning Code, Cable Airport Land Use Compatibility Plan, and Housing Element.
- The two Assistant Planners act as the project managers and coordinate the review of other Divisions/Departments/agencies.
- Counter assistance is a primary function and is offered from 8:00 a.m. to 6:00 p.m. on all business days; if counter technicians are absent, Assistant Planners must provide counter assistance, which reduces the amount of time available for development projects.
- In the past six months, the Division lost two counter technicians and was not able to refill the positions. During this time, the Assistant Planners and Planning Manager provided counter assistance, which affected the amount of time available for development projects.

Caseload Statistics

- In terms of current planning (i.e., development projects and counter activities), caseloads increased 60% between 2010 and 2012; this upward trend continued during the first four months of 2013.
- This upward trend is expected to continue.

Project Distribution by Type/Anticipated Trends

- During 2012, use determinations for new uses in existing buildings represented the highest number of discretionary projects followed by design review and site plan applications for new projects or expansions/additions, conditional use permits and cell sites. New subdivisions were minimal although this is expected to change with more activity in the housing market and development community.
- During 2012, zoning clearances for business licenses represented the highest number of counter activities followed by over-the-counter plan checks, special event permits, sign permits, and zoning letters.

The Players in the Planning Entitlement Process

- Several other Divisions and Departments are involved in the development review process, including Engineering, Building, Public Works, Fire, Police, and affected agencies/entities.
- It is important to provide applicants with comprehensive comments early in the process so there are “no surprises” and applicants understand potential issues and requirements up front.

Existing Development Review Process and Approval Levels

- The existing review process is split into separate reviews of the site layout and review of building elevations.
- The existing process requires technical staff, acting as the Administrative Committee, to meet informally to review projects and then also to meet formally to make decisions on projects.

Proposed Development Review Process and Approval Levels

- The proposed review process, which is included in the administrative draft zoning code, combines review of site and building design to streamline the process. This would ensure that all project components, including site layout, building design, and landscape design, are reviewed comprehensively.
- The process will also be streamlined by allowing the Development Services Director (rather than the Administrative Committee) to approve a number of types of projects upon the technical review and recommendation of staff in Planning, Engineering, Building, Public Works, Fire, and Police. This would ensure adequate technical review while eliminating the need to schedule formal Administrative Committee meetings to approve projects.

Model Timeframes

- Staff's goal is to provide comment letters to applicants within four (4) weeks.

- Typical projects require two to three reviews before they are ready to be approved or forwarded on to the Planning Commission.

Best Practices

- Staff offers pre-submittal advice to applicants.
- Staff offers formal preliminary reviews that are reviewed by technical staff in affected disciplines. Preliminary comment letters are provided to applicants to help them address issues prior to formal submittals.
- Staff offers anticipated project schedules from submittal to permit issuance to give applicants an indication of how long a project will take.
- Staff makes appointments for application submittals, if desired.
- The case planner acts as the project coordinator and resolves issues during project review and often during the plan check process as well.
- Staff offers design guidance for site layout and building design. Some techniques that are used include providing photos of successful projects as design suggestions. This practice will be improved with the adoption of the new Community Character Design Guidelines in the General Plan Update.

Areas for Improvement

- Staff suggested several areas that would benefit from some improvements, including:
 - Streamlining the review and approval process;
 - Ensuring development applications contain comprehensive requirements, including adding items that are typically missing on the first submittal of a development application;
 - Requiring applicants to provide letter of justification/findings for approval;
 - Streamlining the compilation of conditions from technical staff by creating a master list of conditions for all reviewers to use as base for tailoring conditions;
 - Updating the City's handouts and website to provide additional direction to applicants; and,
 - Exploring new technology options for improving database and reporting capabilities.

Zoning Code Update

- Staff noted the administrative draft zoning code is currently being drafted and offers a timely opportunity for the Blue Ribbon Committee to provide feedback. The draft includes the following items to support a more efficient and effective development process:
 - * • Streamlined entitlement process;
 - * • Less sensitive uses would be approved at the staff level rather than the Planning Commission level (i.e., restaurants over 3,000 without alcohol, live entertainment, or dancing); and,
 - * • More sensitive uses would be considered by the Planning Commission rather than the staff level (i.e., liquor stores in over-concentrated areas).
- The Administrative Draft Zoning Code would be delivered to the Blue Ribbon Committee and comments/redlines can be provided to staff at next meeting on June 26.

Committee Recommendations

General

- Staff should consider applying Lean Principles and hiring an expert in Lean Principles to help staff review the development process to identify opportunities for greater efficiency and effectiveness. Due to the potential for overlapping and related duties, this process should also be applied to the entire City and have a grassroots emphasis to engage employees.

Staffing and Customer Service Levels

- Being able to meet expectations and developer schedules is highly dependent upon staffing levels as well as the experience level of the staff members involved in reviewing the project. One of the roles of the BRC is to address proper staffing levels. As such, the Implementation Plan that will be developed by the BRC will include short-term, mid-term, and long-term solutions for addressing customer service issues related to staffing levels and experience.
- It can be difficult to contact individual staff members who are involved in the development review process to resolve issues, more particularly during the plan check process rather than the planning process. The example given was that it is difficult to contact the Fire Prevention Bureau to discuss projects and resolve issues due to their multiple priorities and minimal staffing.
- It is important for planners to be trained and empowered to use discretion and judgment in interpreting and applying code requirements, reviewing projects, or making decisions to minimize delays in the process. It was noted, however, that too much discretion can be misused, but oversight and the appeal process provides a safety net.
- It is important to evaluate the process and flow for various development projects in a comprehensive manner and look for opportunities to eliminate or streamline steps in the process. One suggestion was to evaluate whether a “triage” system would help expedite routine projects, which could involve assembling a “strike-team” to review those projects in a timely manner on a regular basis.
- It is important to set priorities and expectations when there is limited staffing. For example, staff should set appointments with applicants as much as possible and consider setting specific counter hours for reviewing certain types of minor permits to minimize redirecting the planners away from development projects.

Technology and Tools

- It is important to address technology improvements to provide transparency to the public about the status of projects and reduce the amount of time staff needs to spend in providing information. Improved technology is also necessary to enable better project management and oversight for staff.

Process Suggestions

- It is important to make sure development applications provide a comprehensive list of requirements that focus on the following:
 - What needs to be submitted at the conceptual plan stage versus the construction stage; and,
 - What needs to be submitted for specific project types; not all projects require all information to be submitted.
- Applicants should provide letters of justification and draft findings for their projects to minimize the amount of time staff needs to spend in writing staff reports and formulating findings for approval.
- Staff should be sure to tailor comment letters that distinguish between “incomplete” items and project guidance.
- When staff updates the master list of conditions, a reference to the applicable code section should be provided for each condition for ease of reference for applicants.

Blue Ribbon Committee

Meeting Notes

July 24, 2013

Meeting Topic: The Inspection Process

Attendees:

Mark Bertone, Chair
Bob Cable
George Gibson
Scot Moga
Stacey Sassaman
Max Williams

Absent:

John Heimann
Kevin Kent
Joe Ramos

Guests:

Dick Bell
Ray Musser

Staff:

Jeff Zwack
Karen Peterson
Paul Baum
Mark Morton
Fred St. Ange

Planning/Plan Check Wrap Up and Committee Discussion

- The Committee endorsed the information and staff recommendations on the planning and plan check processes that had been discussed in previous meetings, including pursuing the following items:
 - Process Improvements:
 - Streamline the entitlement process through updates to the zoning code;
 - Streamline more routine permits such as Special Event Permits for community organizations that hold the same event every year;
 - Integrate the engineering, building, and fire plan check processes and all plan types into a “one stop shop” unified routing and tracking system, which is supported by improved technology;

- Minimize duplication of effort by training staff to review more routine projects on behalf of other Divisions/Departments (i.e., Building Division plan checker can review solar plans for Planning), where feasible;
- Allow developers with sophisticated design professional to process engineering, building, and fire plans concurrently “at-risk” to expedite overall project schedules rather than requiring sequential plan check (i.e., grading plans first then architectural building plans second);
- Create a dedicated “ombudsmen/concierge” service to assist applicants through the entire development process;
- Public Information/Guidance Documents:
 - Provide more accurate, complete, and accessible information to guide applicants through the process and minimize the submittal of incomplete or inaccurate plans (i.e., updating City standards, notes, and requirements, updating the City website, providing process flowcharts, expanding master list of conditions to include citations, etc.); and,
- Technology Improvements:
 - Integrate all processes and plan types into the same tracking/permitting software system that includes: 1) public portal for viewing progress of applications, removing burden from staff on phone / counter inquiries; 2) online plan review and permitting for some plan types (HVAC, etc.); 3) online inspection scheduling; 4) management and oversight capabilities. Rancho Cucamonga’s system RC Tops was noted as a model system to be explored.
- The Committee discussed staffing levels and found the following:
 - Although improvements to the development process would be beneficial, having sufficient staffing with the necessary expertise is the primary issue that affects the City’s ability to provide good customer service.
 - The existing number of staff members who are assigned to the planning and plan check process is insufficient to meet the current demand.
 - The number of staff members in the Planning Division, for example, is much lower than in other cities such as La Verne, Glendora, Rancho Cucamonga, and Fontana.
 - Given the limited number, lack of redundancy, and expertise of staff assigned to the public counter, there is a “counter drain” where the more experienced staff must backfill and assist counter staff. This shifts the focus of the limited number of more experienced staff away from major projects and other important tasks to more routine inquiries and permits.
 - Staff must have the necessary experience and be empowered to make decisions to be able to assist applicants in a timely manner.
 - The City needs to add staff members in relationship to anticipated development activity (i.e., the pipeline). Although the City is largely built out, there are areas where growth is anticipated such as College Heights and downtown. The City needs to not only focus on serving developers who come to the City, but also actively focus on economic development to attract development, which requires additional staffing.

- In the short-term, the City should focus on using contract services to supplement staff and pursue long term employees who are passionate about their job, care about Upland and want to be part of a team which strives for excellence. The use of interns may also provide some measure of assistance in some areas.
- There is a need to address employee morale and focus on retaining existing staff.

The Inspection Process

- The inspection process begins once a permit is issued. For larger projects, the inspector holds a pre-construction meeting with the contractor to discuss the City's expectations during construction. Once construction begins, inspections are performed at specific, pre-determined points. When all work is completed, the contractor calls for a final inspection. If everything is constructed in accordance with the approved plans and applicable codes, a certificate of use and occupancy is issued or public improvements can be accepted and bonds can be released.

Engineering

- Public Works Inspectors perform inspections on behalf of Engineering on private development projects as well as public, capital improvement projects. Staff members include James Callens, Senior Public Works Inspector, Tony Gonzalez, Public Works Inspector, Tony Trejo, Water Utility Inspector, and Saul Martinez, Associate Engineer (NPDES Inspector).
- In addition to capital improvement projects, inspections are performed for street improvements and utilities, grading, erosion control, water quality, and public landscaping related to private development projects.
- Generally, a Public Works inspection for a private development project can be scheduled within one week. The average time per inspection varies depending upon the complexity of the work and the average travel time between inspections is 15 minutes. The average number of inspections related to development projects is three per day.

Public Works Inspection Statistics

- There is an upward trend in permit activity and the number of inspections is anticipated to increase. Based on the first six months of activity in 2013, approximately 610 inspections are anticipated this year versus 442 last year.

Building Inspections

- Three staff members perform inspections on private development projects including Mark Morton, Interim Building Official/Plans Examiner, Luis Teixeira, Building Inspector II, and Mark

Wabnitz, Building Inspector II. Mark Morton and Luis Teixeira also perform plan checking and other duties.

- The types of inspections that are performed include: structural, mechanical, electrical, plumbing, accessibility, and Title 24-energy compliance.
- Generally, inspections are performed within one day of a request being made. It is harder to do next-day inspections during employee absences or vacations, but the Building Division is generally able to maintain this service level. However, given the limited number of staff members, this level of service means that other duties are delayed or not performed, such as performing “over-the-counter” plan checks while the Plans Examiner/Interim Building Official is in the field performing an inspection. Since some construction work cannot progress without passing a mandatory inspection, it is important to help contractors and developers keep working and not delay a job once they have started.
- Typically, the average inspection time per inspection for minor projects is 15 minutes and 60 minutes for major projects. The average travel time per inspection is 15 minutes and average number of inspections per day is 33.

Building Inspection Statistics

- Since fiscal year 2009/2010, there has been an upward trend in permit activity and inspections are expected to continue to increase. This past fiscal year, there were approximately 9000 inspections as compared to the prior year with 7500 inspections. It is important to recognize that one inspection visit may include a number of inspections.

Fire Inspections

- Two inspectors perform inspections on private development projects including Fred St. Ange, Inspector/Investigator II, and Kim Christian, Inspector/Investigator I.
- The types of inspections include life and safety, fire sprinklers, extinguishers, alarms, spray booths, UL 300, and apartment units.
- Generally, inspections can be performed within one to two days of a request being made. In some cases, same day inspections can be performed.
- The average inspection time per inspection for a minor project is 15 to 30 minutes and one to two and half hours for a major project.

- The average travel time per inspection is 10 to 15 minutes and the average number of inspections for development projects is 10 to 15 per day. For apartment units, inspections range from 4 to 400 per week.

Fire Inspection Statistics

- There has been an increase in number of plan checks over last year and the trend is anticipated to continue.

Planning Inspections

- Each case planner inspects the projects they processed. Staff members include Karen Peterson, Planning Manager, and Jeff Borchardt, Assistant Planner. Megan Irwin is no longer with the City.
- The Planning Division performs final inspections on development projects to ensure they are consistent with the approved plans and conditions of approval, colors and finish materials, and on-site landscaping.
- Generally, inspections can be performed within one day of a request being made.

Areas for Improvement

- Staff suggested several possible improvement areas related to inspections. These areas include:
 - Maximize Staff Efficiency
 - Review opportunities to eliminate/combine inspections
 - Perform comprehensive (rather than partial) inspections to minimize number of trips to a job site
 - Establish a fee for excessive “guidance” inspections or consultations
 - Minimize Un-Permitted Work
 - Provide additional public education, utilize enforcement measures and fines (i.e., Administrative Citation process and fines), and require violators to pay for contract staffing for plan check/inspections to discourage un-permitted work
 - Minimize At-Risk Work and Project Delays
 - Limit at-risk construction and, when allowed, require pre-construction meetings for all new construction or significant tenant improvements to better educate contractors on the City’s process
 - Improve Project Coordination
 - Require pre-final inspections at least 10 days prior to the final inspection
 - Streamline the process of transferring approved plans/permits from City Hall to the Yard
 - Improve Public Education

- Update and simplify the job cards and associated handouts so it is easy to understand the number and order of required inspections
 - Address Need for Staffing Redundancy
 - Provide additional staff or reduce expectations for delivery of services during meetings, training sessions, absences, vacations, etc.
- The Committee will discuss these suggestions in more depth at the next meeting, but generally supported the ideas and made the following comments:
 - There should be a penalty for illegal work and timeline for completion; and,
 - Inspection scheduling should be available online and all disciplines/Divisions should be on a unified request/tracking system.

IMPLEMENTATION PLAN FOR DEVELOPMENT PROCESS IMPROVEMENTS

Blue Ribbon Committee Report Outline

1. INTRODUCTION

- Overview of the history and purpose of Development Services and the development process;
- Establishment of the Blue Ribbon Committee;
- Goals and expected outcome of the BRC;
- Participants; and,
- Overview of meeting dates and topics.

2. FINDINGS AND RECOMMENDATIONS

Key Findings

Process Improvements

Customer Service

Staffing and

Technology

Lack of integrated and transparent tracking software...

Process improvements will help to streamline certain aspects of the process, but will not make up for low staffing levels or lack of integrated tracking and management tools.

Culture should be one of supporting professional staff's job is to balance the need for...

Economic development

Cost recovery can be used to offset the demand on the General Fund.

Lean Principles and hiring an expert in Lean Principles to help staff review the development process to identify opportunities for greater efficiency and effectiveness. Due to the potential for overlapping and related duties, this process should also be applied to the entire City and have a grassroots emphasis to engage employee participation.

Staffing

- Findings:

- The Committee discussed staffing levels and found the following:
 - Although improvements to the development process would be beneficial, having sufficient staffing with the necessary expertise is the primary issue that affects the City's ability to provide good customer service.
 - The existing number of staff members who are assigned to the planning and plan check process is insufficient to meet the current demand.
 - The number of staff members in the Planning Division, for example, is much lower than in other cities such as La Verne, Glendora, Rancho Cucamonga, and Fontana.
 - Given the limited number, lack of redundancy, and expertise of staff assigned to the public counter, there is a "counter drain" where the more experienced staff must backfill and assist counter staff. This shifts the focus of the limited number of more experienced staff away from major projects and other important tasks to more routine inquiries and permits.
 - Staff must have the necessary experience and be empowered to make decisions to be able to assist applicants in a timely manner.
 - The City needs to add staff members in relationship to anticipated development activity (i.e., the pipeline). Although the City is largely built out, there are areas where growth is anticipated such as College Heights and downtown. The City needs to not only focus on serving developers who come to the City, but also actively focus on economic development to attract development, which requires additional staffing.
 - In the short-term, the City should focus on using contract services to supplement staff and pursue long term employees who are passionate about their job, care about Upland and want to be part of a team which strives for excellence. The use of interns may also provide some measure of assistance in some areas.
 - There is a need to address employee morale and focus on retaining existing staff.
- Being able to meet expectations and developer schedules is highly dependent upon staffing levels as well as the experience level of the staff members involved in reviewing the project. Staffing levels at Upland are...in relation to similar agencies with similar development patterns.
- It can be difficult to contact individual staff members who are involved in the development review process to resolve issues, more particularly during the plan check process rather than the planning process. The example given was that it is difficult to contact the Fire Prevention Bureau to discuss projects and resolve issues due to their multiple priorities and minimal staffing.
- It is important for planners to be trained and empowered to use discretion and judgment in interpreting and applying code requirements, reviewing projects, or making decisions to minimize delays in the process. It was noted, however, that too much discretion can be misused, but oversight and the appeal process provides a safety net.

- It is important to evaluate the process and flow for various development projects in a comprehensive manner and look for opportunities to eliminate or streamline steps in the process. One suggestion was to evaluate whether a “triage” system would help expedite routine projects, which could involve assembling a “strike-team” to review those projects in a timely manner on a regular basis.

Short-Term Recommendations

Hire contract services under full cost recovery; staff must provide management and quality control for all contract services, contract plan checkers should be given the conditions of approval on a project to help maintain quality control, and that a fixed fee contract to complete a job should be explored

Establish priorities and expectations when there is limited staffing. For example, staff should set appointments with applicants as much as possible and consider setting specific counter hours for reviewing certain types of minor permits to minimize redirecting the planners away from development projects.

Mid-Term Recommendations

Long-Term Recommendations

Process Improvements

• Issues:

- It is important to make sure development applications provide a comprehensive list of requirements that focus on the following:
 - What needs to be submitted at the conceptual plan stage versus the construction stage; and,
 - What needs to be submitted for specific project types; not all projects require all information to be submitted.
- Applicants should provide letters of justification and draft findings for their projects to minimize the amount of time staff needs to spend in writing staff reports and formulating findings for approval.

- Staff should be sure to tailor comment letters that distinguish between “incomplete” items and project guidance.
- When staff updates the master list of conditions, a reference to the applicable code section should be provided for each condition for ease of reference for applicants.

Unified Plan Check Process: The issue raised is that there are three separate plan check processes, which could be unified to be more efficient. Staff suggested integrating the three plan check processes and all plan types into a “one stop shop” unified routing and tracking system. In general, the Committee supported this suggestion.

- **Plan Check Sequencing and At-Risk Plan Submittal:** The issue raised is that accepting building plans in advance of grading plans creates consistency issues which delay projects. Staff suggested adopting a policy for not accepting building plans prior to completion/approval of grading plans to minimize plan revisions and project delays. The Committee expressed concerns about controlling the process to the degree that it would limit flexibility for developers. They noted that submitting plans out of sequence is at the risk of the developer and if there are competent professionals involved with preparing the plans, there should be minimal issues. As such, they suggested that the policy be flexible and consider the level of sophistication of the parties involved (i.e., developer vs. homeowner). In general, the Committee supported this suggestion.
- **Plan Check Consolidation:** The issue raised is that there is minimal staffing in relation to workloads and it is difficult to provide timely customer service. As such, there is a need to use staff resources efficiently as possible. One solution suggested by staff is to look at ways of minimizing duplication of effort. For example, one plan checker could be trained and assigned to review more routine projects for other Divisions/Departments (i.e., Building Division plan checker can review solar plans for Planning). The Committee supported this suggestion.
- Set appointments as much as possible

Public Education/Information

- **Public Education/Information:** Staff noted that there is an opportunity to minimize plan check corrections and number of plan check submittals by providing more accurate, complete, and accessible information. Some examples given were to update City standards, notes, and requirements (currently underway) and to update the City Website to include City standards and requirements. The Committee supported this suggestion and commented that public education is critical to communicate City requirements and processes. It was suggested that flow charts should be developed for specific processes (i.e., how do you get an occupancy permit?) to provide step-by-step guidance. The City of Riverside’s website was noted as a good example.

Technology

- It is important to address technology improvements to provide transparency to the public about the status of projects and reduce the amount of time staff needs to spend in providing information. Improved technology is also necessary to enable better project management and oversight for staff.
- Staff noted that a combination of permitting software (Permits Plus) and Excel spreadsheets are currently used to track projects and that staff needs better tools to track projects and provide transparency to applicants. One solution that staff suggested was to integrate all processes and plan types into the same tracking/permitting software system, look at online plan review and permitting and providing visibility into status of projects. Some examples where online permitting would be feasible were for water heaters and HVAC where the inspection can be used to confirm code compliance. The Committee supported this suggestion.
- The Committee endorsed the information and staff recommendations on the planning and plan check processes that had been discussed in previous meetings, including pursuing the following items:
 - Process Improvements:
 - Streamline the entitlement process through updates to the zoning code;
 - Streamline more routine permits such as Special Event Permits for community organizations that hold the same event every year;
 - Integrate the engineering, building, and fire plan check processes and all plan types into a “one stop shop” unified routing and tracking system, which is supported by improved technology;
 - Minimize duplication of effort by training staff to review more routine projects on behalf of other Divisions/Departments (i.e., Building Division plan checker can review solar plans for Planning), where feasible;
 - Allow developers with sophisticated design professional to process engineering, building, and fire plans concurrently “at-risk” to expedite overall project schedules rather than requiring sequential plan check (i.e., grading plans first then architectural building plans second);
 - Create a dedicated “ombudsmen/concierge” service to assist applicants through the entire development process;
 - Public Information/Guidance Documents:
 - Provide more accurate, complete, and accessible information to guide applicants through the process and minimize the submittal of incomplete or inaccurate plans (i.e., updating City standards, notes, and requirements, updating the City website, providing process flowcharts, expanding master list of conditions to include citations, etc.); and,
 - Technology Improvements:
 - Integrate all processes and plan types into the same tracking/permitting software system that includes: 1) public portal for viewing progress of applications, removing

burden from staff on phone / counter inquiries; 2) online plan review and permitting for some plan types (HVAC, etc.); 3) online inspection scheduling; 4) management and oversight capabilities. Rancho Cucamonga's system RC Tops was noted as a model system to be explored.



**MINUTES OF THE REGULAR MEETING OF THE
UPLAND PLANNING COMMISSION HELD
WEDNESDAY, APRIL 24, 2013
AT 6:30 P.M.**

CALL TO ORDER

Chair Schwary called the Regular Meeting of the Upland Planning Commission to order in the Council Chambers of the Upland City Hall at 6:30 p.m.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by *Commissioner Moga*.

ROLL CALL

MEMBERS PRESENT: Commissioners King, Moga, Timm, Velto, Verrinder, Vice Chair Morris, Chair Schwary

MEMBERS ABSENT: Commissioners None

ALSO PRESENT: Development Services Director and Planning Commission Secretary Zwack, Planning Manager Peterson, Planning Center DCE Consultant Kimble, Senior Administrative Assistant Dolney

MINUTES

Moved by *Commissioner Verrinder* that the approval of the Minutes of the Regular Meeting of March 27, 2013, be continued to the next scheduled meeting on May 22, 2013.

The motion was seconded by *Commissioner King* and carried by the following vote:

AYES: Commissioners King, Moga, Timm, Velto, Verrinder, Vice Chair, Morris Chair Schwary

NAYS: None ABSTAINED: None

ABSENT: None

COUNCIL ACTIONS

Planning Manager Peterson reviewed Council Actions for the meetings of April 8 2013 and April 22, 2013

FUTURE AGENDAS

Planning Manager Peterson reported on items expected to be on future agendas.

ORAL COMMUNICATIONS

Chair Schwary stated this is the time for any citizen to comment on any item listed or not listed on the agenda. Anyone wishing to address the Planning Commission should submit a speaker card to the Planning Secretary prior to speaking. The speakers are requested to keep their comments to five (5) minutes. The use of visual aids will be included in the time limit. Under the provisions of the Brown Act, the Planning Commission is prohibited from taking action on items not listed on the agenda.

There being no speakers, *Chair Schwary* closed Oral Communications.

WORKSHOP

1. Zoning Code Update Workshop

STAFF:	Karen Peterson, Planning Manager
APPLICANT:	CITY OF UPLAND
RECOMMENDATION:	<p>That the Planning Commission:</p> <ul style="list-style-type: none"> • Receive staff's presentation; and, • Provide general comments to staff on issues or questions that should be considered as the draft Zoning Code update is prepared.

Planning Manager Peterson stated the zoning code was not completed, it was still under development and *Staff* wanted to offer a sense of direction to the *Planning Commission* and receive initial feedback. She introduced *Shannon Kimball, Planning Center DCE Consultant* for the Zoning Code Update presentation.

Ms. Kimball began to review Zoning Code Report details (the report being on file in the Development Services Department). She invited the *Commissioner's* questions as she reviewed the details of the report. She added they hoped to have the Zoning Code update completed by May of this year and the entire project adopted by the end of the year.

Chair Schwary asked *Ms. Kimball* to point out the changes and suggested changes as she went through the report. *Commissioner Timm* asked *Ms. Kimball* to point out the location of the four new mixed use areas.

Ms. Kimball replied the focus would be on some of key changes, making the zoning code better and easier to understand, increasing flexibility, but being more specific on design and streamlining the development process. She then reviewed the new zoning code and changes, which also included four new mixed use zones. She continued to review segments of the City starting with Foothill Boulevard as the first area, Benson to Campus; creating standards to bring a portion of those buildings forward to the street.

Commissioner Velto asked where it would be applicable to bring buildings to the front of the street on Foothill Boulevard.

Ms. Kimball responded the area being considered is mostly on the north side, such as where Von's was located on Euclid.

Chair Schwary commented that was in contrast to the entire design of that center. It was intentionally designed to place buildings off the street; he inquired why that would be changed.

Ms. Kimball responded that existing development would not be changed, unless a developer came in with a new site plan to demolish and rebuild the center. She further explained the vision was no longer catering to the

automobile; there would be a multi-use path along Foothill Boulevard to have pedestrians and bicycles utilize the street.

Commissioner Velto asked if it was safe

Ms. Kimball stated it was safe. The way the codes are written is to provide paths from the street to the buildings; And, if it were brought up to the street it was even more safe because pedestrians and cyclists do not have to travel through parking areas to get to the use. She added it is much more visually aesthetic and more accessible for multi modes of transportation when you bring buildings to the street edge.

Commissioner Velto stated he had concern that pedestrians and cyclists were travelling along Route 66 next to other vehicles.

Vice Chair Morris asked if conflict of interest applied to this workshop.

Planning Manager Peterson replied it was not a conflict of interest because it was a city-wide effort that applied to the entire city.

Ms. Kimball continued that the whole corridor along Foothill Blvd. was previously zoned commercial, now would be zoned commercial residential mixed-use, allowing for more flexibility in the types of uses allowed.

Commissioner Verrinder inquired about the buildings being brought forward and if the zoning code included landscaping, nicely designed bikeways and pathways.

Ms. Kimball stated bringing buildings forward to the street addressed being more pedestrian friendly in terms of providing public plazas, public open space and landscaping. The streetscape and public right of way was not addressed in the code because it was all private property, but the City has a landscaping ordinance that was recently updated.

Chair Schwary stated he was baffled by the vision of taking a major highway, Route 66, and turning it into pedestrian/bike paths.

Ms. Kimball replied that they heard from the community that they wanted to see a multi-use path and be able to travel on Foothill Boulevard on foot or by bicycle.

Commissioner Velto stated he was shocked and thought it highly irregular and dangerous to use Foothill Boulevard as a bike or walking path; because of the amount of traffic and turning and access to commercial businesses.

Planning Manager Peterson explained they have an extremely wide right of-way and frontage roads they were hoping to phase out over time. The exact street profile and where that pathway would go had not been determined. One of the action items coming out of the General Plan was to revisit the Foothill Vision considering multi-modal transportation over the next 30-years and bring more foot and bicycle traffic to the corridor.

Commissioner Verrinder stated within the transit agencies in the City of Los Angeles and parts of Orange County, the bicycle lobby was huge with focus and departments created to address the issue of how to share the roadway with bicycles and transit. One perspective was the bikes were coming, it was the number one issue in public transit, and this was their opportunity to plan sooner rather than later in addressing the issue. She also wanted to be certain mixed use was designed to prevent accidents and assure safety of pedestrians and others.

Ms. Kimball explained one of the focuses of the code was to address transit. They needed to begin to think ahead, being progressive and thinking about how to accommodate all modes of transportation with proper amenities for alternative transportation. She then continued with the presentation focusing on College Heights and its future vision, and then onto the south east quadrant where San Antonio Hospital was expanding.

Commissioner Timm asked what would change to mixed use and if the change would include any historic homes.

Ms. Kimball replied he entire area on Foothill Blvd. and a little on 9th Street near the rail tracks and Historic Districts would not be changed to mixed use.

Commissioner Timm noticed there was mixed-use on Euclid Avenue, north of Foothill Blvd; where there were currently nine historic homes. She stated the zoning was changed to office and seven of the nine homes were owned by the same owner who was very interested in making it all businesses. She was concerned by the infringement of businesses taking away the value of the homes north of Foothill.

Ms. Kimball replied the area was within the scenic corridor overlays zone so there were protections in place.

Commissioner Timm stated she was against the zoning change because she did not feel it was the best use of the land. She stated Euclid Avenue was on the National Register of Historical Places; she formally objected to the mixed-use zoning on Euclid Avenue, north of Foothill Boulevard; and felt it would compromise the homes in that area creating a public outcry.

Chair Schwary asked what the current zoning of that strip of homes was and what zoning was proposed.

Commissioner Timm stated it was zoned for office and there were no offices there. She added that it was recently changed as she remembered it being residential.

Planning Manager Peterson replied it was zoned Office Professional and it was changed some time ago. She added they were proposing a mixed-use due to the fact that it's currently office zoning and homeowners are unable to get a refinance loan with office zoning.

Chair Schwary pointed out that unless someone wanted to pay cash for those homes, no mortgage company would lend on it with office zoning; unless they got a "Burn Letter" from the City stating they could rebuild the home if it burned down. He added mixed-use was just a bad and mortgage companies and investors were getting more strict.

Planning Manager Peterson clarified the mixed-use would not dictate they must be both uses, and they were proposing incentives to achieve mixed-use but would actually allow both commercial and residential.

**Chair Schwary* stated that *Staff* needed to be very sensitive to that area; he understood from a commercial standpoint, but he could also understand the people making a case for what those homes mean to the history of Upland. He stressed caution should be used so that the Commission was not painted into a corner over this issue.

Planning Manager Peterson added they were not proposing to change the Historic Preservation Ordinance, in that it would still require Planning Commission action to demolish a historic resource. If in the future someone came forward, and wanted to demolish them, it would still take an action by the *Planning Commission* to demolish those buildings.

Commissioner Timm stated her biggest concern was the person that owned the seven of nine properties really wanted to see it as commercial. She was concerned about what may happen to that area if it was re-zoned to mixed use.

Commissioner Verrinder wanted clarification if they were discussing the homes on Euclid Ave., north of Foothill Blvd. to the alley, and wanted how the zoning was changed from residential to office.

Planning Manager Peterson replied that must have been a *Council* action some-time in the past and she did not have that history, but would look into the history.

Commissioner Verrinder asked if it were a major issue if that particular set of homes were changed from mixed use back to residential.

Commissioner Velto stated he understood the passion, but there was an issue with homeowner's rights and if the property may be de-valued by the change. He stated that they should proceed with caution.

Vice Chair Morris stated he lived closest to the property and he would have a real problem if it moved in that direction.

Chair Schwary stated he thought mixed use at least opened the door to the possibility of residential if the owner so desired. *Chair Schwary* asked his fellow *Planning Commissioners* how they felt about staff approving a CUP, for example a restaurant without live entertainment, as opposed to being approved by the *Planning Commission*.

Commissioner Moga stated he would like the City to be more expeditious without having applicants going through all the red tape. He added *Staff* had the most experience, so if they were not dealing with live entertainment why not let the restaurant be approved by *Staff*.

Commissioner Velto asked what project triggered a conditional use permit.

Planning Manager Peterson replied it would be a permitted use instead of a conditional use unless they had live entertainment and dancing, then they would have to go before the *Planning Commission*.

Commissioner Verrinder felt whatever they could do to streamline the process was of benefit, but there had to be standards in place regarding traffic, the development zone, and the alcohol permit, especially within a residential area.

Chair Schwary stated as soon as alcohol was involved it should come before the *Planning Commission* to review and consider conditions.

* *Planning Manager Peterson* explained that restaurants do not require a Public Convenience and Necessity finding, so they are exempt from that review; but, they will suggest retail alcohol sales should come before the *Planning Commission*, whether a new or existing location.

Commissioner Timm believed it was vital that Upland stream line the development review process, but there was a fine line that red flags may be overlooked, and those should continue to come before the *Planning Commission*.

* *Planning Manager Peterson* offered that every code had a provision that the *Director of Development Services* had the authority to bring whatever they deem necessary before the *Planning Commission*.

Commissioner King also thought streamlining was important, but he questioned the process.

Planning Manager Peterson replied the draft of the zoning code would detail what would be permitted or conditionally permitted, so the *Planning Commission* would have opportunity to have that fine grain look.

Ms. Kimball continued with the presentation including recent requirements in State law, food cottages, emergency shelters, the historic preservation standards, aesthetic goals, and design standards.

Commissioner Timm asked to clarify the term "food cottage;" and, asked if there were to be design guidelines in the mixed use areas.

Ms. Kimball explained a food cottage was a home business where food was prepared and packaged at the home. And, the code was divided into categories; all categories would be subject to the same design standards.

Chair Schwary asked if lofts were allowed in the downtown area.

Ms. Kimball replied they were allowed and governed by the *Downtown Specific Plan*.

Chair Schwary asked about temporary storage containers in private driveways and if they were prohibited. He stated the *Planning Commission* previously gave a directive that storage containers could only be on the property a limited amount of time; when he spoke to code enforcement, they stated it was just a directive but it was not codified.

Ms. Kimball responded that they were expressly prohibiting storage containers in all zones.

Chair Schwary addressed *Ms. Kimball*, *Planning Manager Peterson* and *Development Services Director Zwack* and asked if the code passed through *City Council*, did that mean the directive would be codified and he could get code enforcement to do something?

Ms. Kimball responded, yes, that they were expressly prohibiting metal storage containers in all residential zones.

Commissioner Velto asked if that applied only to temporary storage containers within view of the street.

Ms. Kimball replied that would apply to all temporary storage containers. They would require a permit in commercial zones, but not in residential zones. If they were less than 200 square feet they would be permitted as an accessory structure in their backyard, underground or above ground as long as they met the setback and height requirements; and they would be prohibited in the front yard setback.

Planning Manager Peterson asked if that was the consensus of the *Planning Commission* if that would be acceptable in the rear yard, because they did have property owners that have tried to put storage containers in their rear yard.

Chair Schwary thought as long as it was out of site, in the front and from the view of all the neighbors around, including those in the rear.

Planning Manager Peterson stated she was referring to freight containers as well, so they may want to define what they mean by storage facility to be certain they are not getting the ones they really do not want. They also may want a temporary use permit for short durations.

Chair Schwary stated he did not have a problem with that. He thought that was already in place as part of the directive.

Commissioner Verrinder asked if there was anything in zoning that prohibited people from living in pool houses or living in smaller structures behind the house that were not built as apartments and if it was permitted under the new code.

Ms. Kimball replied second dwelling units are habitable and accessory structures are non-habitable. If someone was living in an accessory structure, it was a code enforcement issue as it was not permitted by the code.

Planning Manager Peterson further explained current code allowed for guest houses that are not considered second units; they may not be rented.

Ms. Kimball clarified if it did not meet the standards of a guest house under the new zoning, it could not be rented out for a family to live in.

* *Commissioner Verrinder* asked, within neighborhoods, aesthetics of what a house could look like under a renovation that was completely and totally dissimilar from anything else, would that be under the guidelines as what would be allowed or disallowed anew.

Planning Manager Peterson responded that was a good question, as currently they do not have design review for any single family home except for a historic residence. She asked their thoughts since staff is proposing to do design review for single family homes as part of the change.

Commissioner King asked for clarification of the draft of the zoning code that was to be available in late May. Additionally, he asked whether it would include temporary storage containers as being allowed to be placed underground.

Ms. Kimball and *Planning Manager Peterson* replied that technically there was only a limit as to the size of the accessory structure, which was 200 square feet, but practically to make it feasible, it would be very expensive, but *Staff* would have to do more research.

Commissioner King asked if there was going to be any changes to the parking provisions for parking motor homes on one's property and/or if there would be opportunity to revisit that topic.

Planning Manager Peterson replied there were presently no proposed changes, they were allowed behind the setback if it were screened, and if they wished to revisit that topic, *Staff* was open to *Planning Commission* comments.

Ms. Kimball explained they had incorporated residential design guidelines, including neighborhood context.

* *Commissioner Velto* asked *Staff* to tread lightly in that area as there were coming changes in neighborhoods in communities whereby owners were coming in, leveling the existing home and building homes two and three times the size to better make use of the size of lot for the price of land, with homes that are not similar to what was on either side.

Chair Schwary stated his opinion regarding the Public Community Workshop is that it was premature to have the workshop prior to the *Planning Commission* receiving a draft of the code. He thought the community workshop should be rescheduled after the *Planning Commission* had a chance to review the draft as they were a very diverse and effective commission, so he did not want to see a meeting until the *Planning Commission* had a chance to digest the code in draft form, perhaps in July or August.

Planning Manager Peterson appreciated the comment and said *Staff* would take that under consideration, but wished to address the concern that it would affect the schedule.

Chair Schwary asked if the zoning code need to be approved by a particular date, as this was to be their zoning code, and with using terms like streamlining and 30 years, he did not want to be wondering why they didn't take another month in the process now ten years from now.

Community Development Services Director Zwack asked how much time the *Planning Commission* would need to review.

Chair Schwary proposed *Staff* have the zoning draft available at the May 22, 2013 *Planning Commission* meeting, and they would come back in June to review comments and then the workshop could follow.

Planning Manager Peterson offered they did have a blue ribbon committee established, which included *Commissioner Moga* who had been appointed, to see how they did business in the Development Services Department with respect to the development review process; that committee would also be given a draft of the zoning code and they had a good representation of the community, including engineers, architects, developers, and business owners; the committee will be given three weeks to review the draft, so the June 26, 2013 *Planning Commission* meeting would be a great target to come back for comments.

* *Commissioner Verrinder* asked to revisit residential neighborhoods, whereby there was a renovation that varies Aesthetically from the surrounding neighborhood; she thought style needed to be somewhat similar. She also addressed zoning requirements allowing for non-traditional types of funding, either Federal Transit Administration or Department of Transportation funds in order to build some things that were needed, similar to what the City of Claremont did in the Packing House District. She then addressed that developers and the code be in partnership with Upland Unified School District to insure adequate public facilities and new schools were being built where families needed them. Lastly she asked a procedural question regarding Cable Airport, in that the Land Use Plan was updated, and asked if *Ms. Kimball's* firm did the update.

Ms. Kimball responded their sub consultant, Mead and Hunt, was doing that update.

Commissioner Verrinder asked about the two additional items added, with no additional funds or costs to the City, as originally the in the contract to do the Cable Airport plan, and she wanted to be certain that like services were traded and should there be a credit back to the City, or was the work equal to the Cable Plan, or you subcontracted out the Cable Airport Plan.

Planning Manager Peterson confirmed that the Cable Airport Compatibility Plan was part of the project and it is still being drafted.

Ms. Kimball added the Airport Master Plan for the airport was updated during the process, so they went back and re-updated the Compatibility Plan to reflect the Master Plan and they are two different documents.

Commissioner Verrinder asked if the *Planning Commission* also served at the Airport Land Use Committee, as she had not seen the update.

Planning Manager Peterson reported it had not yet come before the City for approval.

Commissioner Verrinder asked for advance notice to study the issue as she had no aviation experience.

Planning Manager Peterson explained there were two plans, the Airport Master Plan for the airport facilities was approved by the FAA, but had not been adopted by the City, and they were also currently working on the Compatibility Plan; that also had not yet come before the *Planning Commission*. The airport operator would have to come forward to the City and ask for the City's approval of that Master Plan and that had not happened. It would come to the *Planning Commission* first then onto *City Council* for approval.

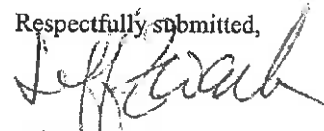
Commissioner Timm mentioned "mansionization," stating she thought that was something the City should stay away from and design overview would help.

Chair Schwary thanked Ms. Kimball for her report.

ADJOURNMENT

Chair Schwary adjourned the meeting at 8:06 p.m. The next regularly scheduled Meeting is May 22, 2013, at 6:30 p.m., in the Council Chambers of the Upland City Hall.

Respectfully submitted,



Jeff Zwack, Secretary
Upland Planning Commission

Minutes prepared by Annamarie T. Porter, Minute Clerk; and Shelley Dolney, Senior Administrative Assistant



**MINUTES OF THE REGULAR MEETING OF THE
UPLAND PLANNING COMMISSION HELD
WEDNESDAY, JUNE 26, 2013
AT 6:30 P.M.**

CALL TO ORDER

Chair Schwary called the Regular Meeting of the Upland Planning Commission to order in the Council Chambers of the Upland City Hall at 6:31 p.m.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by *Commissioner King*.

ROLL CALL

MEMBERS PRESENT: Planning Commissioners King, Moga, Timm, Verrinder, Vice Chair Morris, Chair Schwary

Airport Land Use Committee Members Campbell and Vernaci

MEMBERS ABSENT: Planning Commissioner Velto

ALSO PRESENT: Development Services Director and Planning Commission Secretary Zwack, Planning Manager Peterson, Assistant Planner Borchardt, The Planning Center DCE Consultant Kimball, Senior Administrative Assistant Dolney

MINUTES

Moved by *Chair Schwary* that the approval of the Minutes of the Regular Meeting of May 22, 2013, be continued to the next regularly scheduled meeting on July 24, 2013.

The motion was seconded by *Commissioner Timm* and carried by the following vote:

AYES: Commissioners King, Timm, Verrinder, Vice Chair, Morris, Chair Schwary

NAYS: None ABSTAINED: Commissioner Moga

ABSENT: None

COUNCIL ACTIONS

Planning Manager Peterson reviewed Council Actions for the meetings of May 28, 2013, June 10, 2013, and June 24, 2013. There were no planning items to report.

FUTURE AGENDAS

Planning Manager Peterson reported on items expected to be on future agendas.

ORAL COMMUNICATIONS

Chair Schwary stated this is the time for any citizen to comment on any item listed or not listed on the agenda. Anyone wishing to address the Planning Commission should submit a speaker card to the Planning Secretary prior

to speaking. The speakers are requested to keep their comments to five (5) minutes. The use of visual aids will be included in the time limit. Under the provisions of the Brown Act, the Planning Commission is prohibited from taking action on items not listed on the agenda.

Chair Schwary questioned the standardized wording regarding Oral Communications on the agenda. He asked why we would have the statement: *this is the time for any citizen to comment on any item listed or not listed on the agenda.*

Senior Administrative Assistant Dolney responded that the verbiage regarding Oral Communications is generated in a standardized format and used on all agendas. She stated that the wording may be changed if the Commission wishes.

Vice Chair Morris stated that he believed it was for any member of the public to voice their concerns to the Planning Commission.

Chair Schwary stated that he felt it was best for members of the public to provide comments about an item when it is presented to the Planning Commission, not before during Oral Communications. He instructed staff to confer with the City Attorney regarding statement and make sure the *Planning Commission* is following the right process and to bring the results back to the next meeting.

Planning Manager Peterson stated that staff will follow up on the request.

Chair Schwary addressed the audience and let them know that the Commission would not be voting or taking any action on anything tonight, just providing comments to staff to consider prior to a formal action. He stated that he would have the members of the public come up and speak now prior to discussion of the item. He asked the public to keep comments to about five minutes and to state their name and address for the record.

Chair Schwary opened Oral Communications.

Alice Palacios, 844 E. Washington Boulevard, Upland, stated she lives in the Pleasant View Historic District. She stated she was against changes that would affect the historic single family homes on the east side of North Euclid Avenue at Foothill Boulevard. These homes showcase the City of Upland by showing we have pride of place in our City. She added that by preserving our historic homes we also display that Upland will remain true to the gracious living concept; being families first not business. She concluded that she hoped that the well meaning people who work in the City Hall of Upland will do the right thing.

Nancy Mannon, 2314 N. Orange Drive East, Upland, stated that she had seen on the last Zoning Map that a portion of Euclid Avenue and above Foothill Boulevard had been zoned mixed use and she was alarmed to see that these nine homes were going to be mixed use as she thought the homes had been single family all these years but she was told that it was office use. She stated that she had heard an owner of some of the properties wanted to make those a part of the shopping center on Foothill; she was greatly opposed to this idea but relieved to hear that Commissioner Timm asked the date when it was zoned office use and the staff came back to verify it was a mistake. She stated that she would like to see all historical homes and districts protected and residential homes kept residential. She added that she was also in favor of strengthening our historical ordinance in language and general plan to help further protect our historical areas.

Donald Jeanson, 449 E. 9th Street, Upland, stated he first became aware of this problem when I read in the newspaper that they were going to demolish the home on the northeast corner of Foothill and Euclid to put a right-turn pocket in on westbound Foothill Boulevard; and since these homes were historic, I did a little research by a public records request. The article also said that the property was zoned mixed use or commercial residential; part of the public records request revealed that the General Plan and the Zoning Ordinance are still residential. I think they are historic homes and they should remain historic homes and I don't think the intersection needs a right turn pocket. He stated that he had 10 years worth of accident records that he had not analyzed yet, but he thought there needs to be additional research done into the whole criteria of that intersection. He concluded that he firmly believed that we didn't need to lose nine beautiful historic homes which are basically Upland's heritage.

Virginia Shannon, 1561 N. Euclid Avenue, Upland, stated that we all take for granted the beauty around us in Upland. She said that when she transitions from the freeway to Euclid Avenue, it is like a sanctuary to her and she

is against any changes that erode that; she often things how beautiful it is and how glad she is to live here. She stated there are so many communities are so full of buildings and that even our new homes lack the beautiful mature trees like we have here in Upland. One of the things that I really hope we can get around to restoring is the rock curbs as it's the details that make the difference. She offered that the cluster of homes in question were representative of the very first planning development in Upland.

Vice Chair Morris stated that it occurs to him that he may have conflict of interest.

Chair Schwary clarified that *Vice-Chair Morris* is concerned with conflict of interest due to his proximity to Foothill and Euclid where he lives, but stated that we are not voting on anything and asked *Planning Manager Peterson* to confirm.

Planning Manager Peterson confirmed that there would be no voting and this is a plan of City wide interest.

Hortencia Muniz, 1100 N. Euclid Avenue, Upland, stated that she is a property owner of one of the houses that is affected by this rezoning recommendation and she was present to get information on how her home could be rezoned without her vote or knowledge. She stated that she wanted to know what recourse she had as a property owner against the changes. She stated that she was very concerned about the change in the historic standing of any of the properties as she feels they are beautiful. She added that she has been a homeowner for about 12 years and she fell in love with her home; such a well built structure lasting since the 1920s.

Alan Lapin, 277 N. Tenth Avenue, Upland, stated that on the agenda we are talking about an administrative draft and changes in the Zoning Code; and, also on the agenda, it says this information will be available to the Public if they come forward to the office and ask. He stated that when he came in to the office today, he was told there was nothing available to the Public. He commented that in general, nobody has any idea if you are talking about an obscure gas station somewhere or if you're talking about re-doing the whole thing. He concluded that he thought this should be available to the public.

Chair Schwary asked *Staff* to respond

Planning Manager Peterson stated that she is not sure who he spoke with but the draft was and is available and a copy can be provided right now.

(A copy of the Administrative Draft Zoning Code was provided to Mr. Lapin at the Planning Commission meeting)

There being no additional speakers, *Chair Schwary* closed Oral Communications.

WORKSHOP

1. JOINT PLANNING COMMISSION AND AIRPORT LAND USE COMMITTEE WORKSHOP ON ADMINISTRATIVE DRAFT ZONING CODE/MAP AND ADMINISTRATIVE DRAFT CABLE AIRPORT LAND USE COMPATIBILITY PLAN

STAFF:	Karen Peterson, Planning Manager
APPLICANT:	CITY OF UPLAND
RECOMMENDATION:	<p>That the Planning Commission and Airport Land Use Committee provide general comments to staff on the following draft documents:</p> <ul style="list-style-type: none"> • Administrative Draft Zoning Code; • Administrative Draft Zoning Map; and, • Administrative Draft Cable Airport Land Use Compatibility Plan.

	No vote or action will be taken during this meeting.
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Planning Manager Peterson stated the zoning code was not completed, it was still under development and *Staff* wanted to offer a sense of direction to the *Planning Commission* and receive initial feedback. She introduced *Shannon Kimball, The Planning Center DCE Consultant* for the Zoning Code Update presentation.

Consultant Kimball provided an overview of the proposed zoning code components (the staff report being on file in the Development Services Department). She invited the *Commissioner's* questions as she reviewed the details of the report. She addressed the public comment regarding the Northeast corner of Foothill and Euclid. She stated that after careful consideration of prior public comments, they have decided not to change the zoning and it would remain as a residential single family zone. She noted, in general, they consolidated and grouped similar topics, updated, clarified and incorporated new development standards to address community issues and made significant changes to the organization of the code. She explained the updated plan contained several parts, to include:

- Part I contains the enactment and applicability sections which go over the purpose and effect of the zoning ordinance.
- Part II contains the zoning districts including six different general categories: Residential, Mixed Use, Commercial, Industrial, Special Purpose, Overlay, and Scenic Overlay zones. She articulated the major land uses changes, including intensified industrial development in College Heights, Commercial Residential and Mixed Use Development along Foothill Boulevard, and increased office development in the vicinity of San Antonio Community Hospital, and small scale residential mixed use development along 9th Street.
- Part II contains all of the permitted land uses and all of the special development standards.
- Part III contains the City-wide general regulations covering things like accessory uses, fences and walls, landscaping outdoor lighting, parking, signs, and historic preservation.
- Part IV contains the special land use regulations for uses that require special provisions, such as adult businesses, alcohol sales, automotive and vehicle sales, bed and breakfast, community assembly and things of that nature.
- Part V contains the land use and development procedures covering the application and permit processes.
- Part VI contains the administration provisions, which covers the responsibilities of the Planning Commission, the Development Services Director and what actions they take, public noticing requirements, appeals, calls for review, and the legislative actions.

Consultant Kimball stated the key changes in the Residential zones is that they tried to be more flexible and prescriptive with design guidelines to give staff direction and give the public an idea of what the City was looking for. Lot coverage increased in percentage in the residential areas from 35% to 40%, specifically in the RS 10, 45% RS7.5, 6 & 50% in the RS4, more tailored to the size of the lot.

Planning Manager Peterson stated residents were often unable add patio covers due to the 35% lot coverage limitation.

Consultant Kimball continued to explain rear and side yard setbacks were reduced to five feet in the residential zone, and changed landscaping requirements so that up to 40% of a side or front yard may be dedicated to driveways and walkways, with the remaining area should be landscaping. They have allowed for permanent accessory structures that are less than 200 square feet, and temporary storage facilities for up to 72 hours without a permit, or up to 30 days with a temporary use permit.

Chair Schwary asked what the remedy was for those who went beyond the 30 days.

Consultant Kimball replied that keeping a storage facility up longer than 30 days would be a Code Enforcement issue.

* *Chair Schwary* stated for the record *Planning Commission* made a recommendation to *Staff* that storage PODs were not to be allowed beyond a length of time, but that was unenforceable because it was not part of the zoning code. He asked for further clarification of the process to remedy a violation.

Planning Manager Peterson replied that it would not become enforceable through the updated zoning code and use of the Administrative Citation Ordinance; if someone is out of compliance, a notice could be issued asking them to remove the storage facility. She added that citations with associated fees may be issued with continued non-compliance.

Consultant Kimball continued that metal freight containers would be prohibited in all residential zones.

Commissioner Verrinder commented on Section 17.04.020, noting redundancies in elderly and long term care, residential care facilities, and transitional housing, with each one having different processes. She did not see a definition of those uses.

Consultant Kimball replied there would be a definition for each land use in the definition section. They tried to go by what the state required with having a different definition by state law.

Commissioner Verrinder thought there should be standardization in the process one would go through for each of the uses.

Consultant Kimball stated Residential Care facilities are regulated by State law and every facility serving six or fewer clients has to be permitted by right within residential zones, while seven or more clients could be conditioned with discretionary approval.

Commissioner Verrinder inquired about landscaping and if we were going to require grass or drought tolerant plants, or if residents could opt for dirt due to water regulations.

Consultant Kimball replied that single family landscaping did not have to be permitted and there were no plans required for landscaping options, but dirt yards are not permitted.

* *Chair Schwary* stated the landscaping section needed to be clarified as it appears that dirt yards may be allowed.

Commissioner Verrinder explained as a city, as they move forward, they can improve accessibility throughout the City. She stated that she felt the City should have curb cuts not at every other corner, but at every corner. She added the City should be very forward thinking as they look at cyclists, pedestrians, public transit, and accessibility.

Planning Manager Peterson stated accessibility is governed by the California Building Code and single family residences are exempt, but in general they do look at accessibility City-wide. She added the City does have a standard which includes the placement of ramps at street intersections and there are additional programs for Public Works that retrofit various areas.

Chair Schwary offered that type of work by Public Works Department was more frequent when the City had a lot of money, but added that he would rather address the issue now versus waiting years to amend the policy.

Commissioner Timm inquired about the process for a massage therapist to work in the City of Upland.

Planning Manager Peterson replied that several years prior the State preempted local jurisdictions from regulating massage establishments where the therapists were certified by the State; they said they had to be considered as professional office. She added that if the therapist was not state certified, they would be subject to a Conditional Use Permit.

* *Consultant Kimball* replied they would go back and see how massage use was permitted within each of the zones.

Commissioner Timm noted she did not see anything regarding Psychics and wanted to know if there was going to be any language regarding that use.

**Consultant Kimball* stated they would add language regarding Psychics to the Zoning Code.

Commissioner Timm asked if there was any regulation regarding boarding houses.

Consultant Kimball replied that they had defined boarding houses and grouped them with residential care facilities, but inquired if the Commissioners preferred that definition separated so that it was clear.

**Commissioner Timm* stated she would like boarding houses separately defined.

Consultant Kimball continued with the Mixed Use zones, stating there were four new mixed use zones: Commercial Residential Mixed use, Business Residential Mixed use, Commercial Office Mixed use and Commercial Industrial Mixed use. There was also a density bonus ordinance to encourage mixed use consistent with the general plan and zoning map. There were minimum and maximum residential densities to avoid under-utilization or over-utilization of properties.

Commissioner Verrinder asked for clarification about the zoning of Commercial Highway for adult and personal services, excluding massage; she wanted to know if that was a new use as she was under the impression Upland did not have any adult businesses.

Chair Schwary stated the adult businesses that existed in Upland were inherited, because they were originally part of the county.

**Planning Manager Peterson* replied *Staff* needed to go back and see if what they were proposing was consistent with existing policy as they did not intend to make any changes. She added that Upland allowed it in a very limited number of parcels to meet constitutional requirements.

Consultant Kimball explained that personal services are more personal oriented services such as nail and hair salons. She added that massage therapy was a separate issue.

Commissioner King asked if a massage therapist business would be considered an adult business.

Planning Manager Peterson replied that massage therapists are considered separately from adult business, but are subject to the same distance separation requirements as adult businesses if they are not certified by the State.

Chair Schwary stated he understood the establishment on Foothill Blvd. had a very strong attorney and it was grandfathered in because of the county. He stated that he had never heard of the City ever allowing any adult businesses. He asked if they were they under obligation to have something in the code that would allow adult uses, or if the City disallow that use.

Planning Manager Peterson stated it was an issue of free speech and they are required to allow it somewhere in the City; so it is allowed, but there is no intent to change the locations with the zoning code update.

Chair Schwary asked where in the City could an adult business open if they wanted to.

Planning Manager Peterson replied that was not an easy question to answer because there were distance separation requirements and they would have to analyze how close it was to another adult business, school, or church. She stated that there are very few places where a new one could be established.

Commissioner Verrinder stated she thought one could only get a Conditional Use Permit in Commercial Industrial.

**Planning Manager Peterson* stated that she thought they needed to go over the draft to be certain it was consistent with the existing zoning ordinance.

Consultant Kimball offered that currently in the draft adult uses would only be allowed in the Commercial

Highway zone, which was a very limited area just south of the airport on Foothill Blvd.

* *Commissioner Verrinder* commented that in one section of the Zoning Plan there was a very detailed description of the caveats to get an alcohol business, but she did not see it in the Alcohol Beverage Section 17.23, and she wanted to be certain that was detailed. She also wished to clarify with any business that sold alcohol, not just a bar, there could not be an overconcentration; she did not wish to see a situation where one or two alcohol uses on every corner. She also stated that she appreciated the mention of the Public Transit turnout determined by *Development Services Director Zwack* listed in 17.36 and she wished to see that in other sections. She also inquired about the need for a garage sale permit; the new code says no permit was required (Section 17.44(c) 4.) and she would like to know what the intent of that change.

Planning Manager Peterson responded to the question regarding garage sales and stated *Staff* would appreciate the *Planning Commission's* guidance regarding garage sale permits and processing.

Chair Schwary asked why they would not mandate a permit for anyone wanting to hold a garage sale.

* *Commissioner Verrinder* referenced the section regarding weed abatement. She stated that the City came in from a weed abatement perspective recently and displaced the homeless community from a homeless encampment. She stated that she didn't know if it was the *Planning Commission's* responsibility to deal with homelessness, but if we are doing a revision it would be appropriate to address the issue. She added that her point was that it is an overall issue for the City of Upland and she felt *Staff* needed to address the issue; there was an entire section regarding abandoned property and the weed abatement was part of the zoning code and all of those pieces needed to come together to form a solution.

Consultant Kimball stated they were dealing with the City's homelessness in the update to the Housing Element which was an element of the General Plan. She stated that the zoning code did address where emergency shelters would be permitted to house the homeless. The Housing Element was another tool to help address the issue because it had an implementation program that prioritized certain issues and funding for the programs within the City.

Planning Manager Peterson added that it could also be dealt with as a zoning violation as a homeless encampment on vacant property is not consistent with the zoning code; however, the City has chosen to pursue that particular enforcement in a different manner. She stated the Zoning Code could address what may or may not be allowed on a property and it could also provide areas for emergency and transitional shelters.

Commissioner Verrinder offered that *Staff* needed to work on the homeless issue through the various documents and planning tools as one of the pieces of the zoning puzzle.

Planning Manager Peterson deferred to *Community Development Director Zwack* who had been more involved with the actual enforcement issue and had a bigger perspective on the City's efforts to address homelessness. She added that they would be addressing ways to address homelessness in the new Housing Element.

Development Services Director Zwack responded that the homeless encampment was an illegal use of a property that was vacant. He stated that vacant properties within the City are reviewed on an annual basis by the City's weed abatement consultant for fire hazard control. The issue of homelessness was being addressed by the Housing Element and was the most germane to the discussion as that established the policies and goals.

* *Chair Schwary* asked *Planning Manager Peterson* if *Staff* could come back before the final vote to address adult business and the homeless issue due to the seriousness of the issues.

Commissioner Timm thought the issue of homelessness was extremely important, but should perhaps not to be addressed in the zoning code. She stated that she wished to address the non-conforming issues in the zoning code. She stated that there are several locations within the City where a residence may have non-conforming issues; when this happens, they are unable to get insurance. She inquired about non-conformance in the new zoning code.

Consultant Kimball replied that on a limited basis certain things were addressed in the zoning code with non-conforming properties such as alterations, maintenance and expansion by a percentage of 25%, with a fair amount of maintenance and continuance of the uses to a certain point. She added that alterations beyond that scope would

not be allowed as the City would rather have the underlying permitted use for that zone.

Commissioner King asked about alcohol and the new *City* plan. He stated it was his understanding was that if Alcoholic Beverage Control did the licensing, then there would not be much the City could do.

Planning Manager Peterson replied that where there is an overconcentration of alcohol establishments per State law, the Department of Alcoholic Beverage Control asks the City to make a Finding of Public Convenience and Necessity in support of allowing an additional establishment. She stated that they were proposing that alcohol sales as a land use as well as the Finding of Public Convenience and Necessity should be the purview of the *Planning Commission* so they can consider the two together. She stated that currently alcohol sales is a permitted use in the City, which means the land use itself was allowed by *Staff*, but then the Finding of Public Convenience and Necessity was something the *City Council* had to render a decision on, so there was a disconnect that staff wished to remedy.

Consultant Kimball continued with the presentation including the status of Mixed Use Zoning on Euclid and Foothill Boulevard, the streamlining of restaurants without live entertainment and other uses, and the new discretionary Administrative Use Permit, such as a family daycare of any size. She added that on-site alcohol sales as part of an Administrative Use Permit could be ruled by the *Development Services Director Zwack*.

Chair Schwary asked, if a restaurant wanted to go from wine and beer to a full bar, would they no longer need to come before the *Planning Commission*.

Consultant Kimball replied that restaurants would no longer need to come before the *Planning Commission*, only bars, nightclubs, lounges would come before the *Commission*.

Development Services Director Zwack explained that the changes would not include bars and nightclubs or any establishment with any sort of entertainment; additionally a restaurant that already has a beer and wine license wanting to upgrade to full alcohol would not need to go through the *Planning Commission*.

* *Chair Schwary* stated he thought the requests for alcohol should still need to come before the *Planning Commission* as a public forum. *Commissioner King* also felt request for alcohol should come to *Planning Commission*.

Commissioner Moga stated he understands that this change streamlined the process but the question is whether or not it is a real restaurant.

Chair Schwary stated he thought under the magnitude of alcohol consumption, it should be brought to a broader board and not to an individual to be approved. He stated he thought they needed to personally come before the *Planning Commission* for approval; he understood streamlining, but thought the approval of alcohol in different ways could present a problem.

Commissioner Verrinder agreed with *Chair Schwary* on the matter and wished to protect *Staff* by having the alcohol permits come before the *Commission*. Although she noted that she did not believe there were many permits with restaurants requesting alcohol that were under 3,000 square feet and less than 75 seats; and they generally do not see many issues with those types of establishments.

Airport Land Use Committee Member Campbell explained in his industry, the establishment turns from a restaurant to a bar at the point they stop serving food.

Planning Manager Peterson replied that there were a number of smaller restaurants that were approved under the existing code that have no issues.

Chair Schwary stated he thought all alcohol uses should be though the *Planning Commission* as a public forum and not approved over a desk.

(The following comments were reconstructed from meeting notes due to audio tape failure)

Development Services Director Zwack stated that he went to a small restaurant recently that was about 750 square

feet in size and it served cans or bottles of beer along with Indian cuisine. He stated that requiring a small restaurant under 3,000 square feet to have a Conditional Use Permit for alcohol service would be cost prohibitive.

Chair Schwary inquired if it the same amount of work to take these items to the Planning Commission.

Development Services Director Zwack stated that Planning Commission reports would be more intense than reports prepared for approval at an administrative level. He added the administrative approval of alcohol can be limited to beer and wine only if the Commission wishes.

Commissioner Timm stated she felt comfortable keeping approval of alcohol the same way it is processed now.

Planning Manager Peterson stated that there would still be an approval process with conditions of approval to regulate the business.

Commissioner Moga inquired if small bars would be approved at an administrative level.

Planning Manager Peterson stated businesses that are not deemed a qualified restaurant would be brought before the Planning Commission.

**Chair Schwary* stated this issue needs to be brought back to the Commission and it will be a vital part of next meeting. He added that he thought a 3,000 square foot restaurant is a good size establishment.

Consultant Kimball asked for Commissioner's comments about Food Cottages and if the Commissioners would like to have them come before the *Planning Commission* for approval or have it approved administratively by the *Development Services Director* due to the elimination of the *Administrative Committee*. She further explained that a food cottage is considered a special use where individuals can package and sell food from their houses; customers come to their homes.

Commissioner Verrinder inquired about food truck uses. She stated that she didn't see it listed in the new Zoning Code.

Planning Manager Peterson stated that use needs to be added.

Consultant Kimball stated they would like to hear the Commission's opinion on food trucks.

**Chair Schwary* directed Staff to obtain the minutes from a previous meeting where food truck uses were discussed.

Consultant Kimball stated there will be more clear definitions regarding uninhabitable dwellings, permitted accessory structures, and 2nd dwelling units have been provided.

Commissioner Timm asked where she should address the Historic Preservation and Mansionization happening throughout the City.

Consultant Kimball stated that Mansionization is covered in question #12 regarding design guidelines, massing, scale and orientation. She also stated that question #9 covered parking provisions for motor homes found in section 17.34. She stated that recreational vehicles may be stored on a temporary basis in the front of home for up to 72 hours; however more permanent storage is available in the back yard.

There was discussion about recreational vehicles between *Consultant Kimball* and the *Planning Commissioners*.

**Chair Schwary* directed Staff to bring back this issue.

There was discussion about historic preservation and official recognition for maintaining or restoring a historic property. *Commissioner Timm* stated that she would like to see reduced processing fees for significant features of a historic home being repaired or restored and she would like a waiver of parking requirements due to no garages being built along with these homes. *Commissioner Timm* added how difficult it is to find a preservation architect.

There was discussion between the *Planning Commissioners* and *Consultant Kimball* about a bed and breakfast use.

Commissioner Timm added that historic homes should have provisions to be a bed and breakfast and it should be allowed.

Consultant Kimball stated that bed and breakfasts are currently allowed in multi-family zones.

* *Commissioner Timm* asked for this item to be brought back to the *Commission*.

Chair Schwary asked the *Airport Land Use Committee Members* if they had any questions.

Airport Land Use Committee Member Campbell and *Airport Land Use Committee Member Vernaci* responded that they did not have any questions.

Consultant Kimball asked if they had any changes to the *Airport Land Use Compatibility Plan*.

Planning Manager Peterson stated that she would be happy to meet separately with either *Committee Member* to address any issues.

Airport Land Use Committee Member Campbell stated his concern is the preliminary finding. He referenced the *California Airport Land Use Planning Hand Book* which specifically notes density of people per acre and what is allowed by the state. He added that if the *Planning Handbook* guidelines are not used it creates a flying danger.

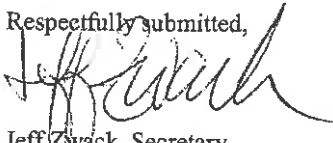
Airport Land Use Committee Member Vernaci stated there is a flying risk with operations close to the ground.

Airport Land Use Committee Member Campbell stated this manual (*California Airport Land Use Planning Handbook*) helps blend airport land use with City assets. He added that as a pilot, the last thing he wants to do is put an airplane down somewhere that is not an airport.

Airport Land Use Committee Member Vernaci stated he had no comment at this time.

ADJOURNMENT

Chair Schwary adjourned the meeting at 8:49 p.m. The next regularly scheduled Meeting is July 24, 2013, at 6:30 p.m., in the Council Chambers of the Upland City Hall.

Respectfully submitted,

 Jeff Zwack, Secretary
 Upland Planning Commission

Minutes prepared by Annamarie T. Porter, Minute Clerk; and Shelley Dolney, Senior Administrative Assistant



**MINUTES OF THE REGULAR MEETING OF THE
UPLAND PLANNING COMMISSION HELD
WEDNESDAY, OCTOBER 23, 2013
AT 6:30 P.M.**

CALL TO ORDER

Chair Schwary called the Regular Meeting of the Upland Planning Commission to order in the Council Chambers of the Upland City Hall at 6:31 p.m.

PLEDGE OF ALLEGIANCE

The pledge of allegiance was led by *Commissioner King*.

ROLL CALL

MEMBERS PRESENT: Commissioners King, Moga, Morris, Velto, Verrinder, Vice Chair Timm, Chair Schwary

MEMBERS ABSENT: None

ALSO PRESENT: Development Services Director and Planning Commission Secretary Zwack, Planning Manager Peterson, Assistant Planner Borchardt, The Planning Center DCE Consultant Kimball, Assistant City Attorney Tsai, Senior Administrative Assistant Dolney

MINUTES

Moved by *Commissioner Verrinder* that the approval of the Minutes of the Regular Meeting of August 28, 2013, be approved.

The motion was seconded by *Commissioner Velto* and carried by the following vote:

AYES: Commissioners Moga, Morris, Velto, Verrinder, Vice Chair Timm, Chair Schwary

NAYS: None ABSTAINED: Commissioner King

ABSENT: None

COUNCIL ACTIONS

Planning Manager Peterson reviewed Council Actions related to planning for the meetings of September 9, 2013, September 23, 2013, and October 14, 2013.

FUTURE AGENDAS

Planning Manager Peterson reported on items expected to be on future agendas.

ORAL COMMUNICATIONS

Chair Schwary stated this is the time for any citizen to comment on any items that are not listed on the agenda under "Public Hearings" but within the Planning Commission's purview. Anyone wishing to address the Planning Commission should submit a speaker card to the Planning Secretary prior to speaking. The speakers are requested to keep their comments to five (5) minutes. The use of visual aids will be included in the time limit. Under the provisions of the Brown Act, the Planning Commission is prohibited from taking action on items not listed on the agenda.

Albert Hernandez, 1085 St. Andrews Drive, Upland, stated the tent at the Upland Hills Country Club was still not in compliance. He stated that he made calls to the Upland Police Department and Wedgewood Tent management about the noise on the prior Saturday and he was told the bride and groom were making "their grand entrance," but the noise went on and on. He stated the tent management said the party would be over 10:00 p.m., but that was baloney; they are not complying with the rules they agreed to follow.

Commissioner Vello inquired about the approximate time this took place.

Speaker Hernandez stated he believed it was about 8:00 p.m. when the grand entrance took place.

Chair Schwary addressed his fellow Commissioners and stated that he would allow questions of the people present due to the elevated issues the community is experiencing with the Upland Hills tent facility. He asked the concerned citizens in the audience to understand the Planning Commission was attempting to glean information about the issue and the Commission would be unable to answer questions in this forum. He conferred with Counsel if he was out of line regarding this request.

Assistant City Attorney Tsai replied this issue was within the Commission's purview.

Commissioner Verrinder asked *Staff* to confirm if there was not a finalized noise study done for the Conditional Use Permit that was granted. She recalled there were two noise studies to be done, one by Wedgewood and one by the City.

Planning Manager Peterson confirmed that a noise study was provided by Wedgewood in May 2013 and reviewed by the Planning Commission when the Planning Commission revised the Conditional Use Permit. She added that the noise study showed that there potential for them to exceed the noise ordinance between 10:00 and 11:00 p.m.; as a result, the Planning Commission revised the hours of operation to end at 10:00 p.m. Subsequently, *Staff* did allow them to end some events at 11:00 p.m. that had been contractually arranged during the next year, as long as they comply with the noise ordinance. She stated that Wedgewood has provided a list of the events that will occur between 10:00 p.m. and 11:00 p.m.

Chair Schwary asked about the status of the security guidelines that the Development Services Director, Police Chief, and Wedgewood were supposed to finalize. He also directed *Staff* to forward the minutes of the last three Planning Commission meetings pertaining to Wedgewood sent to the Planning Commission by the morning of October 24, 2013. And, he asked *Development Services Director Zwack* to speak about code enforcement and its application with this issue after oral communications.

Commissioner Moga stated that he felt uncomfortable discussing the issue beyond comments from the speaker cards due to the Brown Act. He added that he is also recused from this item so if there is going to be discussion beyond the speaker cards he would have to leave the dais.

Assistant City Attorney Tsai explained that the issue should be limited to comments and maybe some questions for clarification, but the Planning Commission should be careful not to discuss items that are not listed on the agenda.

Chair Schwary asked Counsel if he was wrong to ask for minutes to be sent to the Commissioners or to ask for information about code enforcement.

Assistant City Attorney Tsai explained it is fine to provide direction to staff, however the questions about code enforcement should be agendaized for a future meeting.

Commissioner Vello asked the speaker what the tent management told him when he called about the noise and if he had notified the Upland Police Department about the issue to create a record.

Mr. Hernandez replied the tent management told him the party was making their grand entrance but they were unable to tell him how long the grand entrance would last but said he would talk to the party. He confirmed that he had called the Upland Police Department about the issue.

Angela Glatfelter 1262 Upland Hills Drive North, Upland, submitted a letter from a neighbor, Tracy Olafsson, who could not be present at the Planning Commission meeting; she stated it was a letter of complaint concerning the Upland Hills Country Club tent. She stated that it will soon be a year since they first came to the Planning Commission to complain about the tent and Wedgwood was offered 60 days to correct the issues and they then were offered another 60 days and so forth. She stated in May they were rewarded for being in non-compliance with the Conditional Use Permit by getting an increase in operating hours. She added they have also violated that condition by loitering and having music past the time allowed. She stated that City staff have gone to the site and witnessed the ineffectiveness of the light shades, which she said is about as effective as a sheet. She wanted to know when the City would enforce the requirements of the Conditional Use Permit. She stated that the residents affected by the tent had been told they should just move, but that is not an option. She added that Upland Code Enforcement have come out to the site and confirmed her videos and logs.

Chair Schwary asked if there had been any improvement after the last meeting.

Ms. Glatfelter replied that there has been amplified music at the gazebo every single weekend and they have not complied with the conditions that were approved in May 2013. She added that there is a flashing light on a stand that flashes in addition to the strobe lights and people still congregate on the south side and drink in the parking lot; the problems continue and nothing has changed during this process.

Vice Chair Timm asked if *Ms. Glatfelter* had called Upland Police Department every time there was a violation so there would be a record.

Ms. Glatfelter confirmed she had, and had even spoken to the Upland Chief of Police because the police officers dispatched were not getting out of their units when they arrived at the site. She stated that the manager would meet them at their vehicle instead of having them come into the tent and see what is happening inside the tent. She stated that she has asked the Chief of Police to have the officers get out of their units when called to the site so they could also see what is happening.

Joel Bradley, 1131 Pebble Beach, Upland, stated he was present at a meeting for the sixth time regarding the Upland Hills tent and nothing had changed with the lighting, noise, and people loitering. They are not a good fit for our community and they are still not obeying the rules. He stated that he felt crime has increased in the area since the tent arrived. He stated enforcement against Wedgewood was necessary.

Commissioner King asked if absolutely nothing had changed following the reviews that they have had regarding this matter. He also asked what issues seem to be the main concern and if *Mr. Bradley* has called the police regarding the issues.

Mr. Bradley replied that at times it seemed to be better due to the tent having fewer functions; but when they have functions they seem to break the rules. He stated he had called the police at least three times, and since the last meeting, he is frustrated as nothing is being done and he has given up so he just does not want to waste any more time. He stated that the residents were also supposed to get a list of functions that were to happen after 10:00 p.m., but they had never received the list.

Commissioner King asked if regular meetings have been held by the tent operator to discuss residents concerns.

Mr. Bradley stated those meetings had ceased.

There being no additional speakers, *Chair Schwary* closed Oral Communications and thanked the people from Upland Hills that came to address the Commission.

PUBLIC HEARINGS

1. Public Hearing for Tentative Tract Map No. TT-18889 (TT-13-02)

A request to subdivide a 4.551-acre parcel into fifteen (15) numbered lots ranging in size from 10,000 to 11,919 square feet and create a public street for the purpose of accommodating future development of fifteen (15), single-family dwellings.

Project Location: Generally located on the south side of West 20th Street near O'Malley Way (APN No. 1005-111-01)

STAFF:	Jeff Borchardt, Assistant Planner
APPLICANT:	Patrick Diaz Crestwood Communities 510 W. Citrus Edge Street Glendora, CA 91740
RECOMMENDATION:	That the Planning Commission adopt the Final Mitigated Negative Declaration for the project and approve Tentative Tract Map No. TT-18889 (TT-13-02), as set forth in the draft resolution.
COUNCIL HEARING REQUIRED:	No
APPEAL PERIOD FOR TT-13-02	10 days, ending 11/2/13

Assistant Planner Borchardt reviewed the Staff Report in detail (the report being on file in the Development Services Department.)

Chair Schwary inquired about the size of the adjacent lot and the total number of units proposed.

Assistant Planner Borchardt confirmed the size of the neighboring lots and pointed them out on the displayed map.

Commissioner Verrinder asked if this was the first development brought to the *Planning Commission* for approval that is right on the 210 Freeway with the various restrictions in air quality.

Assistant Planner Borchardt answered this was the first development since the Air Quality Management District has been concerned about the issues of development in close proximity to freeways.

Commissioner Verrinder asked who is responsible to pay for the sound wall.

Assistant Planner Borchardt stated he would defer that question to the developer when he comes up to speak.

Commissioner Verrinder asked if there had been any Native American artifacts discovered in the area.

Assistant Planner Borchardt stated there had not been any Native American artifacts discovered.

Vice Chair Timm asked about the findings noted in the Environmental Impact Report which stated the Air Quality Management District stated the air quality was better than other areas near the freeway. She asked for *Staff* to go back over that statement.

Assistant Planner Borchardt reiterated the air quality in that vicinity was even better than the rest of the basin.

Vice Chair Timm she had concerns regarding migratory animals and rats being affected by the clearing of the land. She asked for clarification regarding the extermination process when a large grove is cleared.

Assistant Planner Borchardt replied the developer would have a plan and he would defer the question to the developer.

Kevin Kent, 510 Citrus Edge, Glendora, Applicant with Crestwood Communities, stated Crestwood hires a vector company to address any issues with vermin that may be present when they do any grading.

Chair Schwary inquired about the process that would eradicate the rats if they found them prior to grading.

Mr. Kent stated if a neighbor contacted them and said they have vermin in their yard or something, he would send an extermination company similar to Terminex out to the home to address the situation.

Vice Chair Timm asked if they usually used a poison during the process.

Mr. Kent replied that they typically exterminate with poisons.

Commissioner Moga stated it seems that there is a water truck and some grading going on at the site and he asked if they had come across any vermin as of yet.

Mr. Kent responded they had not.

Vice Chair Timm asked how often they sprinkle water on the site to keep the dust controlled.

Mr. Kent answered they had a full time water truck that stayed on location from the beginning to the end of the project.

Commissioner Velto asked if they had already started the removal of the trees. And, if so, had any neighbors complained.

Mr. Kent answered the trees had been removed and they are preparing for a stockpiling of the dirt.

Assistant Planner Borchardt added that there had been a complaint and indicated that the concerned neighbor was present this evening.

Commissioner Velto asked if vector control has already been called. He stated his concern is that Upland has a notorious problem with fruit rats and believes vector control should be done prior to the tree removal.

Mr. Kent replied that when the grading is to be done is when vector control will be called out to address any issues.

Commissioner Verrinder asked *Mr. Kent* to address her previous question about the sound wall.

Applicant Kent answered that Cal Trans typically puts a sound wall up while building the freeway; in this case, Cal Trans never built the sound wall when they built the freeway due to only one residence within an agricultural zoning. He added the sound wall installation will be his responsibility.

Commissioner King asked if the final map had been recorded and if the applicant would be bonded.

Planning Manager Peterson explained that what was before the *Planning Commission* was the tentative tract map. In the next few the months the applicant would be submitting their infrastructure plans and the final map. Once the infrastructure plans were completed and bonded for those improvements, then the final map could move forward to the *City Council* for approval and then it would be recorded.

Commissioner Verrinder asked about the three developments *Mr. Kent* has in the City and wished to know if they were all the same housing design.

Mr. Kent answered the current product line was a single story with larger lots on the west side of Euclid with a

Home Owners Association and a private park. He stated he had another project on the East side of Euclid where lots were similar with both single and two story products.

Vice Chair Timm asked whether there was a Home Owners Association for the proposed project. She additionally asked how the company decides which will have a Home Owners Association and which will not.

Mr. Kent replied there was not a Home Owners Association at the current development. He added the other project that has a Home Owners Association also has a private park and the fees collected would go towards maintaining the park.

Chair Schwary opened the Public Hearing.

Tina Shubert, 995 Kenwood Street, Upland, stated she has been concerned about the project but she wanted to pass along that *Mr. Borchardt* has been great and has answered many of her questions. She stated that she was referred to *Mr. Kent* who spent a lot of time answering her questions and concerns. She encouraged other residents that may have concerns about the project to speak to *Mr. Kent* as well.

Tyrone Hudson, 995 Kenwood, Upland, stated he owned the property where *Ms. Shubert* lives. He had a question pertaining to an additional wall and he was concerned about dirt and water flow when it rains in the future.

Mr. Kent stated the proposal was a dirt swell with a grade away from the wall and *Mr. Hudson* would not be impacted by water coming to the property. He added there was a garden wall and they would use it to transition to a retaining wall with wrought iron.

Commissioner Velto asked why Kenwood did not continue across.

Mr. Kent answered Cal Trans had impacted Kenwood about 10 feet and it does not allow enough space to allow for a street.

Commissioner Moga thought with a wall between existing residents and various improvements a project would make, it seems that it would be a good idea to discuss the project and type of walls that will be in place with the neighbors affected to get a consensus.

Mr. Kent responded they would be meeting with residents after approvals.

There being no other speakers, *Chair Schwary* closed the Public Hearing.

Chair Schwary stated he thought the proposal offered quality homes and they were better than an empty lot. He added that communication with the existing residents has been positive and he would endorse the project.

Commissioner Velto asked if there was only one complaint received.

Assistant Planner Borchardt responded that only one complaint had been received during the public notice period.

Commissioner Velto stated he was pleased with the lot sizes and welcomed the project.

Vice Chair Timm stated she was impressed with the larger lots but it was sad to see the groves removed. She added that she was impressed with the applicant in how he was amenable he was to the residents. She stated she thought it met all of their criteria and was in favor of it.

Moved by *Commissioner Verrinder* that the *Planning Commission* adopt the Final Mitigated Negative Declaration for the project and approve Tentative Tract Map No. TT-18889 (TT-13-02), as set forth in the draft resolution.

The motion was seconded by *Chair Schwary* and carried by the following vote:

AYES: Planning Commissioners King, Moga, Morris, Velto, Verrinder, Vice Chair Timm, Chair Schwary

NAYS: None ABSTAINED: None ABSENT: None

WORKSHOP

1. Zoning Code Workshop

Ms. Kimball went through some uses in the Zoning Code and offered an explanation of the following uses:

Residential Care Facilities: A small residential care facility consisted of less than seven residents needing assistance in the instrumental activities of daily living, and a large residential care facility consisted of seven or more residents with assisted living. She further explained small residential care facilities were permitted by right in all single family residential zones according to State law and the large facilities of seven or more are permitted by a Conditional Use Permit in multi-family residential zones.

Transitional Housing and Transitional Housing Development: Transitional Housing uses were to assist people in order to gain financial support and assistance is provided between six months and two years for the residents. This use is permitted similar to residential care facilities; by right for six or fewer residents in a single family residential zone and by a Conditional Use Permit for seven or more residents in multi-family residential zones.

Emergency Shelters: Emergency shelters would offer housing with minimal supportive services for homeless persons limited to occupancy of six months or less and they are conditionally permitted in the RM and MU zones, and with an Administrative Use Permit in the industrial zones.

Single room occupancy: Single room occupancy is similar to an efficiency unit, or apartment without a kitchen or bathroom facilities; and are permitted with a Conditional Use Permit in a residential mixed use zone in conjunction with multi-family projects.

Senior Housing: Senior Housing was permitted by right in residential multi-family areas and in business residential mixed use zones; and permitted with an Administrative Use Permit in commercial residential or by a Conditional Use Permit in commercial office and commercial industrial mixed use zones.

Boarding House: Boarding House is defined as a number of unrelated individuals living separately in one house and renting from the owner; this use is conditionally permitted in an RM Zone.

Vice Chair Timm inquired about boarding houses and what was presently required for that use.

Planning Manager Peterson explained the current code did not address boarding houses. She added that the boarding house use did not refer to an owner choosing to rent out their house to a single family.

Vice Chair Timm asked what changes were proposed with the new code and if it would require boarding houses to obtain a Conditional Use Permit.

Planning Manager Peterson explained *Staff* would have to research how they were entitled; any existing boarding houses would be considered existing non-conforming and would have to go through the process to be legal.

Ms. Kimball addressed how different restaurants were permitted; small restaurants had been permitted with an Administrative Determination from the Administrative Committee, but they will be permitted with an Administrative Use Permit approved by the Development Services Director under the new Zoning Code.

Commissioner Moga inquired if the purpose of the change was to streamline the process.

Planning Manager Peterson confirmed the purpose was to streamline the process and explained the Administrative Committee would be eliminated as a decision making body and turned into technical advisors to the Development Services Director; the Administrative Use Permit would be approved by the Director with technical

recommendations, being less costly to the applicant and taking less processing time.

Ms. Kimball stated a small restaurant is defined as having less than 75 seats and an area less than 3,000 square feet which is currently permitted through Administrative Committee review; under the new Code, it would be approved by an Administrative Use Permit with support from the technical committee. She added that large restaurants are defined as having more than 75 seats or are larger than 3,000 square feet could be approved through an Administrative Use Permit if the restaurant offered beer and wine only; a Conditional Use Permit would be required for any restraint size offering live music, dancing or other entertainment.

Commissioner Verrinder stated that she recalled a prior discussion and they wanted a Conditional Use Permit with the larger restaurants.

* *Chair Schwary* stated he felt that one person, regardless of who they were, should not have that kind of authority. He added that he thought alcohol should come to the *Commission* for review.

Commissioner King asked if the administrative approval would be just one person approving or a staff of people to approve.

Planning Manager Peterson replied that *Development Services Director Zwack* would approve Administrative Use Permits.

Chair Schwary stated he did not want to be a part of a *Planning Commission* that approved this without noting there was a discussion.

Commissioner Moga asked what the driving factor was for beer and wine to go from an Administrative Committee approval to an Administrative Use Permit. He asked for examples of what to expect.

Planning Manager Peterson responded it was part of the proposal to streamline the process that involved eliminating the Administrative Committee entirely and noted an example of a use that would be subject to an Administrative Use Permit would be a restaurant that is over 3,500 square feet and serves alcohol, but does not have live entertainment, dancing, or a bar.

Commissioner Moga asked if a restaurant in Upland had ever been denied.

Planning Manager Peterson replied no restaurants have been denied in Upland.

Commissioner Moga agreed with *Chair Schwary* stating he felt uncomfortable just approving alcohol, but added if no restaurant had ever been denied, it may waste time.

Chair Schwary stated that it gave the *Planning Commission* the ability to consider cases and have applicants screened by a group every time alcohol is involved. He added that it is not about a feeling that *Staff* or the *Director* is not capable to screen applicants, instead, it takes the pressure off of the *Director* with a group to review the applicant.

Vice Chair Timm concurred with *Chair Schwary* and thought the larger restaurants needed to have a Conditional Use Permit.

Commissioner Velto commented that he did not see a difference between a large restaurant and a small restaurant; so he is not sure if he would be okay with even a smaller restaurant approved with alcohol.

Chair Schwary stated that *Staff* said the smaller restaurants went through the Administrative Committee currently and the larger restaurants went through *Planning Commission*. He felt anytime alcohol was involved they should have to go through the *Planning Commission*.

Commissioner Velto commented the *Planning Commission* authorized a hair salon to serve beer and wine.

Chair Schwary asked *Ms. Kimball* what kind of issues would come up if they wanted to change the proposed process.

Ms. Kimball responded that Upland was trying to make the City more attractive to restaurants by streamlining the approval process. She added that consideration should be given to making the process more difficult.

Chair Schwary asked if all surrounding Cities have Directors that make decisions on beer and wine.

Ms. Kimball responded that she did not know.

Chair Schwary interpreted from that statement that other cities were getting restaurants because they were making the approval process easier. He stated his position is to represent the citizens of this City and he would not make his decision on what other cities were doing; however, he respected *Staff's* recommendations even if he may not agree. He offered that another option is to change the process itself to allow restaurants to come to the *Planning Commission* faster.

Planning Manager Peterson asked for clarification from the *Planning Commission* regarding small restaurant approval. She stated currently, a small restaurant with beer and wine is being approved at staff level through the Administrative Committee; she wanted to know the *Commission's* thoughts and if they were okay with the current process.

Chair Schwary asked how many people currently served on the Administrative Committee.

Planning Manager Peterson answered that six staff members from different departments serve on the Administrative Committee.

Chair Schwary stated he disagreed that one person should be able to make that kind of decision if that is what is being proposed by *Staff*.

Commissioner Verrinder commented on changes to alcohol sales during the zoning process relating to convenience stores and asked if those same rules applied to restaurants.

Planning Manager Peterson answered all off-site alcohol sales would come before the *Planning Commission*.

Commissioner Verrinder agreed with *Chair Schwary* and was concerned with one individual making decisions related to alcohol sales; she noted that several individuals offer diverse opinions so there are checks and balances and thought there should be a group decision involved in all alcohol sales.

Chair Schwary proposed the beer and wine at small restaurants go through Administrative Committee and larger restaurants go through a Conditional Use Permit.

Planning Manager Peterson stated that the Administrative Committee was being eliminated entirely, and they would become technical advisors to the Development Services Director with a consensus to recommend approvals.

Commissioner Velto stated that as a manager with subordinates he is aware that subordinates will often side with their supervisor without checks and balances. He added that he agreed with *Chair Schwary*, and thought that beer and wine need to go through the Administrative Committee, but larger restaurants should go through the *Planning Commission*.

Commissioner King stated he thought *Commissioner Velto* and *Chair Schwary* made a very good case as to why they would not want one person to make those decisions.

Chair Schwary stated if the Administrative Committee was being eliminated, then everything concerning alcohol should go through the *Planning Commission*. He added that he did not have a problem if smaller restaurants went to the Director for approval, but when alcohol is involved it needed to come before the *Planning Commission* because it was highly unlikely anything big would not have alcohol sales.

Planning Manager Peterson stated they had a sense of what direction the *Planning Commission* wanted them to go with regards to restaurant approvals.

Ms. Kimball reviewed where recreational vehicles were permitted and stated no changes were proposed.

Ms. Kimball reviewed adult businesses and thought there needed to be more information obtained regarding current businesses and what zones they occupied. She stated she would return with additional information.

Ms. Kimball asked for the *Planning Commission's* position on e-cigarette establishments. She stated that she understood the city wished to place a moratorium to better understand the use.

Vice Chair Timm states she was concerned about Downtown Upland and less than desirable businesses coming in such as questionable massage parlors that may do more than massage. She also commented on the weeds and dirt replacing landscaping in the downtown area.

Commissioner Moga asked about the concern with e-cigarettes, he inquired if it was similar to hookah locations.

Chair Schwary stated e-cigarettes are supposedly healthy and not as offensive as regular cigarettes. He added that he was surprised at how fast these e-cigarette places have sprung up around the City.

Vice Chair Timm commented that the e-cigarette has not yet been proven to be a healthier option.

* *Chair Schwary* stated that there are reputable massage parlors, but according to Staff, they can't prohibit them. The point is that there is a very big proliferation throughout the City and I'm glad you guys are studying it more especially the adult businesses. He questioned if Staff would study this further and get back to the *Commission* with the findings.

Ms. Kimball replied that there is not enough time in the schedule to come back with this item. She added that a memo could be delivered and then the *Commission* could respond with their thoughts.

Commissioner Velto inquired about the difference between the e-cigarettes and the vapor.

Assistant Planner Borchardt stated e-cigarettes are essentially the same as the vapor except e-cigarettes are a one-time use and vapor cigarettes are multi-use and much more costly.

Commissioner Velto stated they sell the e-cigarettes out of all the stores around the City.

Commissioner Verrinder stated she had a comment about the tattoo parlors and mentioned that the downtown tattoo parlor is actually famous. She added there was a reality show with a famous tattoo artist, Cory Miller.

Vice Chair Timm stated her point was if there was a way to regulate the businesses that come to the downtown area. She added that there were a lot of businesses that are questionable like telemarketers, massage parlors, tattoo studios, and e-cigarette stores.

Chair Schwary stated that it may be cause for trouble unless special zoning is defined in that area. He added that the downtown area is trying to come out of the ashes, but until you get a big draw or an anchor in downtown people won't go there. He stated that he shared *Vice Chair Timm's* passion for the downtown area, but stated it would be difficult to prohibit property owners from renting their space.

Vice Chair Timm inquired about code enforcement in the downtown area. She stated that downtown should be kept as well as other areas in the city and it is run down; the area by the warehouses is full of weeds and the entire Southeast quadrant has dirt for yards instead of landscaping. She asked what they had planned with the large parking lot in the area.

Commissioner Verrinder offered that the parking lot location would be the best place for a parking structure using some form of federal funds to build it.

Chair Schwary stated they have tried to get funding since 2003 or 2004 and they haven't been able to make it work with the funds available.

Planning Manager Peterson brought up the marginal uses such as psychics and tattoo parlors for discussion. She

stated that we might choose to go with distance separation requirements to address issue of proliferation and concentration of these uses.

Chair Schwary stated he thought distance separation requirements would help limit the amount of these uses throughout the City. He added Upland is a small community and there is a very small target of an area that these uses can be located. He then questioned how the new Code would address storage pods that sit in residential driveways for years.

Ms. Kimball stated they have been addressed in temporary uses and will be allowed for 72 hours.

Commissioner Velto inquired if structures in a backyard would be ok as long as it is not seen from the street, such as a shed in a backyard.

Chair Schwary clarified that he was talking driveways; he has two houses on the street where he resides that have storage pods in their driveway.

Planning Manager Peterson offered that she can check with Upland Code Enforcement to clarify enforcement of storage pods.

Chair Schwary stated his experience with this issue is that the current code allows these pods in the cases he has mentioned due to the location being 35 feet from the curb and Upland Code Enforcement is unable to do anything about it. He added when the Council and Commission recently met in the Carnegie Building for the last Zoning Code Workshop, we decided to prohibit them and remove the blockage allowing Upland Code Enforcement to use the Administrative Citation as we move forward. He clarified that he wanted to see the change throughout the City and he did not mind if the storage pods were there longer than 72 hours, he just did not want to see them allowed indefinitely.

Ms. Kimball stated there are performance standards and a permit process so the Development Services Director can also impose time limits of up to 30 days for storage containers.

* *Chair Schwary* wanted to know if existing storage pods will be grandfathered. He stated he looked to *Staff* to be an expert on this subject and if *Ms. Kimball* was unsure about the answers, he expected research on the issue and to have follow-up with a conference call or memo. He added that the *Commission* needed answers on everything prior to the final Zoning Code being presented.

Commissioner Velto stated that storage pods are technically a temporary structure and that you are unable to have temporary structures in Upland. He added that he had personal experience with this due to an aviary that I had on my property previously. He concluded that there may already be a mechanism in place to deal with this issue.

Chair Schwary stated there was not a mechanism already in place as Upland Code Enforcement has already come out and is unable to do anything about the issue due to the storage pods being located more than 35 feet from the curb.

Ms. Kimball stated the new Code would only affect anything new after the day it gets adopted.

Chair Schwary asked to clarify whether existing storage containers would be allowed to stay.

Planning Manager Peterson explained an existing storage container would be grandfathered in if we can determine that it is a legal and permanent use. She noted that she would provide a memo to the Commission regarding this issue.

Commissioner Verrinder stated she had a comment for people to think about. She stated from her perspective, "there are a lot of teacups sold downtown and a lot antique stores that specialize in teacups. It is not such a bad idea to look at other businesses that may do well in this area that may be a little outside of our comfort zone. As mentioned tattoo parlors are very popular right now and the club, the wire, is very popular. If we encourage that age group and demographic and just change our ideas a little bit, we could have a vibrant downtown; but, it means that we have to think outside of the box and we have to look at different things in order for the new businesses to come to Upland. Maybe embrace the tattoo parlors or e-cigarettes but control the way in which they operate. Let

people come to Upland because they saw us on a reality television show.”

Chair Schwary stated he agrees and he would rather have people coming to Upland than a vacant building. He added that he likes *Staff's* idea about distancing, but still allowing the business in the City.

Planning Manager Peterson clarified that there is a Historic Downtown Upland Specific Plan that covers the downtown area; the Citywide Zoning Code update would not directly affect the downtown area. She added if the Commission wants something changed in the downtown, staff would need to change the Specific Plan.

Ms. Kimball noted the draft documents would be finalized in early November and Draft Environmental Impact Report would be finalized in early December and both will be circulated in January.

BUSINESS ITEMS

1. Planning Commission Study Sessions

Assistant City Attorney Tsai stated she was informed that a Commissioner had asked about reinstating study sessions to be held prior to the Planning Commission meetings in the Pinky Alder room. She stated these meetings were discontinued at some point due to the advice prior Counsel. She added if we were to have a meeting again with a majority or quorum we would have to post and notice the meetings and they would have to be open to the public; the Pinky Alder Room does not seem to lend itself well for public participation. She stated the concern would be that there is an appearance of not being open to the public and not being transparent so that would be a factor against holding it in the Pinky Alder Room. She added an additional consideration stating if you were to hold an open noticed public study session, it would almost be duplicative of your regular meetings.

Chair Schwary stated *Vice Chair Timm*, *Commissioner Morris*, *Commissioner Moga*, and himself were the only ones that experienced the prior study sessions, which gave them an opportunity to ask questions about the agenda and to ask if there have been any complaints. He stated both he and *Vice-Chair Timm* have had meetings with *staff* prior to the existing meetings and it helps us to be better informed so that they can serve in a better fashion. He added that if *Commissioners* have questions, it might be a better method to ask staff individually than having the study sessions out in the Council Chambers.

Commissioner Moga stated that he thought the meetings were a helpful tool for *Commissioners*. He added it could be noticed to completely comply with the Brown Act and if the meeting got too crowded, we could adjourn to the Council chambers. He concluded that he thought the meetings were a good idea and he would support bringing the study session meetings back to the *Commission*.

Commissioner Velto inquired if the study sessions would be mandatory for Commissioners.

Chair Schwary answered that the meetings would not be mandatory and no quorum required, however, if the intent is to make the *Commission* sharper it would be incumbent upon each Commissioner to get there to be part of the information that is being shared.

Assistant City Attorney Tsai stated the benefit by going individually to staff with your questions and getting educated is that you completely avoid the appearance of impropriety in holding a meeting in a small room not fully accessible to the public even if it is noticed and posted. She added that the appearance of impropriety while discussing issues could tend to blur the lines.

Chair Schwary stated the reason we stopped having these meetings is that the former Counsel was confident that it was a potential violation of the Brown Act that could blur the lines; he asked whether the City's Counsel is advising the same.

Assistant City Attorney Tsai stated her opinion would be consistent with your prior Counsel and she thought there is more of a tendency to have an appearance of impropriety in the smaller room that is less accessible to the public, even if you have properly noticed and posted the meeting. She added it is just a cleaner approach to go to staff and have them answer any questions you might have on your packet without any pre-discussion as a group.

Chair Schwary asked for *Commissioners* to comment on what they would like to see happen with the study sessions.

Commissioner Moga stated that he could respectively disagree with the statement as there are closed sessions in Council, which has the appearance of impropriety to the normal person, but are allowed by code. He added that if we are following the letter of the law and the public has accessibility and the notice, then we meet the requirements. He stated that the *Commission* will function with or without the meetings, but it is a benefit to the *Commission* which better serves our community. He concluded that he disagreed with the approach *Counsel* is taking about the meetings.

Commissioner Velto inquired if the City Council is able to discuss items that are not on the agenda.

Assistant City Attorney Tsai stated there are closed session items for the City Council agenda and the law requires that public comment is allowed on any closed session agenda item prior to going into closed session.

Commissioner Velto wanted to confirm that the *Commission* would come out to the Chambers and announce that they are going into a closed session.

Assistant City Attorney Tsai stated that only very specific items at City Council may be held in closed session; she noted that the study session for the Planning Commission could not be a closed session.

Commissioner Morris stated he was part of the legendary study sessions and he felt they were very beneficial. He added that he was not opposed to having public present at the study sessions.

Commissioner Verrinder stated the part of the Brown Act that we are talking about is that the public is entitled to hear the debate. She stated that we have to be careful, especially in San Bernardino County, if we have the debate in what is perceived to be a closed environment it could be a suspected Brown Act violation; the debate has to be in a public setting. She suggested the possibility of a more open room to have the meeting in other than the Pinky Alder Room.

Chair Schwary stated that he thought a study session being held with public presence could open Pandora's Box. He provided an example of an open study session with the passionate people from both sides of the Upland Hills Country Club present as the pre-meeting was occurring and thought it would simply be chaos. He stated he felt the Pinky Alder Room was a better venue for the study session and we can put up signs to comply with the Brown Act. He clarified that the *Commission* would not be discussing anything that we wouldn't discuss out here, just about going over and making sure that we cover any questions or receive clarification prior to the meeting. He said it has been a year or two years since the *Commission* had study session and the *Commission* seems to be functioning well. However, he noted that he has learned much from prior study sessions with *Vice Chair Timm* and *Commissioner Morris* and feels that the meetings can make the *Commission* stronger.

Assistant City Attorney Tsai stated in regards to your comment about the difficulty of holding the study session in the Council Chambers with the public already seated, there should be no distinction between the openness of the study session and the ability of the public to participate. She further clarified, there should be no distinction between the study session and your regular meeting, and so you would run the study session as chair and regulate the public as you would in a normal meeting.

Chair Schwary stated that *Assistant City Attorney Tsai's* point was well taken; it went back to the earlier comment that the study session is duplicative of a regular meeting. He then provided direction to *Staff* and asked that this item be placed on the November agenda to allow the *Commission* to consider the matter further. He asked *Counsel* to see how passionate her firm is regarding this issue.

Assistant City Attorney Tsai stated that her firm only provides advice.

2. Upland/Ontario Joint Planning Commission Meeting

Chair Schwary introduced the item and asked *Planning Manager Peterson* about the proposed meeting.

Planning Manager Peterson stated this is something that *Vice Chair Timm* had put on the agenda. She deferred to *Vice Chair Timm* to elaborate.

Vice Chair Timm stated she was approached by their City Manager and the Chair of their Planning Commission with an invitation to have a joint meeting to swap important ideas and tour facilities; this is a great opportunity to learn from each other. She stated that she happens to know a lot of Ontario Planning Commissioners as they are members of the Ontario Heritage; they are actually a preservation Commission like we are here in Upland.

Chair Schwary asked for Commissioner's comments regarding the proposed meeting.

Commissioner Verrinder stated she thought it was a great idea.

Commissioner Velto asked for clarification stating this is not really a Commission meeting, it would be more of a meet and greet with the City of Ontario.

Vice Chair Timm clarified that it would not be a meeting, just a get together and talk about what the Commissions have been doing and exchange ideas.

Commissioner Velto asked *Counsel* if it would be a violation of the Brown Act to gather and talk about what the Commissions have been doing.

Assistant City Attorney Tsai stated the event should be noticed and posted if there would be a quorum present.

Commissioner Velto commented that this meeting is not as simple as it sounds.

Assistant City Attorney Tsai clarified the exception would be if the group would strictly not discuss City Planning Commission business.

Chair Schwary stated that is the whole reason they are getting together to meet.

Vice Chair Timm asked about meetings similar to the State meetings the Commissioners previously attended; she had been to similar meetings where five Planning Commissioners were present, but the meeting was not noticed.

Assistant City Attorney Tsai stated that the *Commission* can attend social functions, but the concern is that if there is a quorum present and there is discussion of matters that may come before you or that might be within your jurisdiction is when the violation of the Brown Act occurs. She added that a purely social function does not have to be noticed.

Commissioner King asked for clarification regarding the proposed workshop. He used an example that we wouldn't be able to meet with neighboring communities where we talk about everything from what happens to the field mice that run from the fruit trees to historical houses. He added that he found it interesting that other legislative bodies gather for workshops.

Assistant City Attorney Tsai stated the meeting should be noticed and posted for the City's protection if there is going to be a quorum of the *Commission* in attendance talking about *Planning Commission* matters.

Chair Schwary stated he thought this discussion should also be put on the next meeting for discussion.

Commissioner Moga noted the Brown Act has the exception for a social gathering but this gathering would be a little more of a grey area, so it will just have to be noticed.

Moved by *Vice Chair Timm* to have a joint Upland and Ontario Planning Commission "get together" workshop and that staff check into a date with them and that it is properly noticed.

The motion was seconded by *Commissioner Moga* and carried by the following vote:

AYES: Planning Commissioners King, Moga, Morris, Velto, Verrinder, Vice Chair Timm, Chair Schwary

NAYS: None ABSTAINED: None ABSENT: None

Chair Schwary asked if there was anything else to discuss.

Commissioner Verrinder inquired what the *Commission* should do about the tent at the Upland Hills Country Club. She asked if the *Commission* should agendize the item.

Chair Schwary conferred with *Counsel* and asked if they can discuss the item, or agendize the item. He wanted to know how they should handle the item.

Assistant City Attorney Tsai clarified that the *Commission* can have discussion for the purpose of future agenda items.

Chair Schwary stated that he would like the item agendized.

Commissioner Verrinder stated she would like information once again from Police Chief Mendenhall about how many calls they are getting regarding the tent.

Chair Schwary wished to thank *Commissioner Moga* for saving him from the earlier discussion regarding this matter, but he was still a little squeamish talking about this item. He stated that he thought the *Commission* should agendize the item and charge each Commissioner to pick up the phone and call *Staff* with their questions and let them know what they would like to review regarding the agendized item.

Assistant City Attorney Tsai commented that it was fine for the *Commission* to provide direction to staff without additional discussion.

Commissioner Verrinder stated she was a little unsure about code enforcement and what gets enforced what doesn't get enforced. She added that she would like to know when the City can charge fines and when the City can't charge fines. She stated that it would be helpful to know these things before meeting with the Upland Hills Country Club tent as enforcement was part of the discussions that the *Commission* had had previously.

Chair Schwary asked if it might be beneficial to have a code enforcement workshop prior to having the agendized item with the Upland Hills Country Club tent.

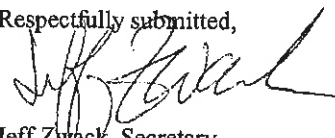
Commissioner Moga stated that a workshop would also be helpful for other items in the future.

Chair Schwary provided direction *Staff* to have a code enforcement workshop on November 20, 2013, and then have the Upland Hills Country Club tent agendized for either the December 2013 or the January 2014 agenda.

ADJOURNMENT

Chair Schwary adjourned the meeting at 8:50 p.m. The next regularly scheduled Meeting is November 20, 2013, at in the Council Chambers of the Upland City Hall.

Respectfully submitted,



Jeff Zwack, Secretary
Upland Planning Commission

Minutes prepared by Annamarie T. Porter, Minute Clerk; and Shelley Dolney, Senior Administrative Assistant

Attachment B – Existing and New Zoning Code—Permitted Land Uses

ATTACHMENT B
EXISTING AND NEW ZONING CODE - PERMITTED LAND USES

ZONE CATEGORY	OFFICE		LIGHT INDUSTRIAL		GENERAL INDUSTRIAL	
	EXISTING CODE	NEW CODE	EXISTING CODE	NEW CODE	EXISTING CODE	NEW CODE
Key P: Permitted Land Use CUP: Conditional Use Permit AUP: Administrative Use Permit --: Not Permitted						
RESIDENTIAL LAND USES						
Accessory Structures, Non-Habitable[1]	--	--	P	--	--	--
Boarding House	--	--	--	--	--	--
Duplex Home	--	--	--	--	--	--
Emergency Shelters	--	--	--	--	--	--
Family Day Care	--	--	--	--	--	--
<i>Small (6 or fewer)</i>	--	--	--	--	--	--
<i>Large (7 to 12)</i>	--	--	--	--	--	--
Guest House	--	--	--	--	--	--
Home Occupations	--	--	--	--	--	--
<i>Minor</i>	--	--	--	--	--	--
<i>Major</i>	--	--	--	--	--	--
Live/Work Units	--	--	--	--	--	--
<i>Commercial Live-Work</i>	--	CUP	P	--	--	--
<i>Industrial Live-Work</i>	--	--	P	--	--	--
Mobile Home/Manufactured Home	--	--	--	--	--	--
Multi-family Residential (3 or more attached) ⁷	--	--	--	--	--	--
Residential Care Facilities	--	--	--	--	--	--
<i>Small (6 or fewer)</i>	CUP	--	--	--	--	--
<i>Large (7 or more)</i>	CUP	--	--	--	--	--
Secondary Dwelling Unit [5]	--	--	--	--	--	--
Senior Citizen Housing	--	--	--	--	--	--
Single-Family Dwelling	--	--	--	--	--	--
Single-Room Occupancy Units	--	--	--	--	--	--
Skilled Nursing Facilities	--	--	--	--	--	--
Supportive and Transitional Housing	--	--	--	--	--	--
<i>Small (6 or fewer)</i>	--	--	--	--	--	--
<i>Large (7 or more)</i>	--	--	--	--	--	--
COMMUNITY USES						
Airport or Aircraft Land Field	--	--	--	--	CUP	--
Cemeteries	--	--	P	--	CUP	--
Child Care/Day Care Centers	CUP	CUP	--	--	--	--
Community Assembly	--	--	--	--	--	--
<i>Community Center, operated by governmental agency, philanthropic organization, or private agency</i>	--	AUP	--	AUP	CUP ⁸	AUP
<i>Community Gardens</i>	--	CUP	--	CUP	--	--
<i>Cultural and Religious Facilities and Institutions (assembly)</i>	CUP	AUP	--	AUP	CUP	AUP
Correctional Institutions and Facilities	--	--	--	--	--	CUP
Cultural and Religious Facilities and Institutions (non-assembly)	--	AUP	--	AUP	--	AUP
Equestrian Establishments	--	--	--	--	--	--
Funeral Homes/Mortuaries	--	CUP	--	CUP	--	CUP
Golf Courses and Country Clubs	--	--	--	--	CUP	--
Hospital	CUP	CUP	--	CUP	--	CUP
Libraries	CUP	P	--	P	CUP ⁸	--
Office, Governmental	--	P	--	P	--	--
Parks and Playgrounds, operated by governmental agency, philanthropic organization, or private agency	--	AUP	--	CUP	CUP ⁸	--
Post-secondary Educational Institution or Trade Schools	P	AUP	--	AUP	CUP ⁸	AUP
Private Educational Institutions (K-12)	--	CUP	--	--	CUP ⁸	--
Public Safety Facilities	--	P	--	P	--	P
COMMERCIAL USES						
Adult Businesses	--	--	P	--	--	--
Alcohol Sales, off-site	--	CUP	--	CUP	--	CUP
Alcohol Sales, on-site as part of a restaurant	--	CUP	--	CUP	--	CUP
Alcohol Sales, on-site as part of a bar or entertainment use (other than a restaurant)	--	CUP	--	CUP	--	CUP
Animal Care, Sales, and Services	--	--	--	--	--	--
<i>Non-boarding/Boarding Indoor</i>	--	P	--	P	--	P
<i>Boarding Outdoor</i>	--	AUP	--	AUP	--	AUP
<i>Animal Hospitals and Veterinary Services</i>	--	P	--	P	--	P
Art Gallery (non assembly)	P	P	--	P	--	P
Automobile/Vehicle Sales and Services	--	--	--	--	--	--
<i>Automobile Repair</i>	--	AUP	P	AUP	--	AUP
<i>Automobile Rental</i>	--	AUP	--	AUP	--	AUP
<i>Automobile Service Station</i>	--	AUP	--	AUP	--	AUP
<i>Automobile Storage/Towing and Impound</i>	--	--	--	AUP	--	AUP
<i>Automobile/Vehicle Sales and Leasing, Used</i>	P ¹²	CUP	--	--	--	--
<i>Automobile/Vehicle Sales and Leasing</i>	P ¹²	AUP	--	AUP	--	AUP
<i>Automobile/Vehicle Washing</i>	--	AUP	--	AUP	--	AUP
<i>Auto Accessory/Equipment Installations</i>	--	AUP	--	AUP	--	AUP
<i>Smog Check Testing</i>	--	AUP	--	AUP	--	AUP
Banks and Financial Institutions	--	--	--	--	--	--

**ATTACHMENT B
EXISTING AND NEW ZONING CODE - PERMITTED LAND USES**

ZONE CATEGORY	OFFICE		LIGHT INDUSTRIAL		GENERAL INDUSTRIAL	
	EXISTING CODE	NEW CODE	EXISTING CODE	NEW CODE	EXISTING CODE	NEW CODE
Key						
P: Permitted Land Use						
CUP: Conditional Use Permit						
AUP: Administrative Use Permit						
--: Not Permitted						
ATM	--	P	--	--	--	--
ATM -- drive through	--	AUP	--	--	--	--
ATM -- walk up	--	P	--	--	--	--
Banks and Credit Unions	P	P	--	--	--	--
Check Cashing Businesses	--	P	--	--	--	--
Bicycle Rental, Sales, and Repair	--	P	--	P	--	P
Cottage Food Operations	--	--	--	--	--	--
Dry Cleaners	--	--	--	--	--	--
Drop-Off Only	P	P	--	--	--	--
Processing	--	--	--	P	--	P
Eating and Drinking Establishments						
Bars/Nightclubs/Lounges	--	CUP	--	CUP	--	--
Restaurants, Full Service, Limited Service, Take-out	P ¹⁰	P	P ¹⁰	--	--	--
Restaurants, with Drive-Through Facilities	--	CUP	--	--	--	--
Restaurants, with Live Entertainment/Dancing	CUP	CUP	--	--	--	--
With Outdoor Dining and Seating	--	AUP	--	AUP	--	AUP
Beer, Wine and Liquor for Sale	CUP ¹⁰	CUP	CUP ¹⁰	CUP	CUP ¹⁰	CUP
Fire Arms Clubs and Establishments	--	CUP	--	--	--	--
Food and Beverage Sales						
Bakery	P	P	--	P	--	P
Catering Businesses	--	P	--	P	--	P
General Market/Convenience Store/Specialty Store (less than 10,000 sq. ft.)	--	P [3]	--	P [1]	--	P [1]
Mobile Food Vendor	--	AUP	--	AUP	--	AUP
Supermarket (10,000 sq. ft. or more)	--	P	--	--	--	--
Health/Fitness Facility						
Dance Studios, Pilates Studio, Yoga Studio, Martial Arts Studio	--	AUP	--	AUP	--	AUP
Gymnasiums, Health Clubs, and Similar Uses	--	AUP	--	AUP	--	AUP
Lodging						
Bed and Breakfast	--	--	--	--	--	--
Hotels and Motels	--	CUP	--	--	--	--
Massage Therapy	--	CUP	--	--	--	--
Medical Marijuana Dispensaries	--	--	--	--	--	--
Movie Theater	--	--	--	--	--	--
Nursery (wholesale, retail)	--	--	--	--	--	--
Outdoor Storage and Display	--	--	P	P	--	P
Pawning	--	--	--	--	--	--
Personal Services (excluding massage)	P	P	P	--	--	--
Psychics	--	--	--	--	--	--
Public Storage	--	--	P	CUP	P	CUP
Recreational Vehicle Storage and Parking	--	--	--	AUP	--	AUP
Recycling Facilities						
Reverse Vending Machines	--	AUP	--	AUP	--	AUP
Small Collection Facilities	--	AUP	--	AUP	--	AUP
Large Collection Facilities	--	--	--	CUP	--	CUP
Processing Facility	--	--	--	CUP	--	CUP
Retail Stores, General Merchandise	P	P	P	--	--	--
Secondhand Goods Store	--	P	--	--	--	--
Smoke Lounge/Tobacco Shop/Evape/Hookah	--	CUP	--	--	--	--
Swap Meets and Flea Markets	--	--	--	--	--	--
Tattoo Parlors	--	--	--	--	--	--
Temporary, Seasonal, and Special Events [6]	--	P	--	P	--	P
Warehousing	--	--	--	P	--	P
OFFICE/PROFESSIONAL USES						
Business Support Services	P	P	--	P	--	P
Medical or Dental Laboratory	P	P	--	P	--	P
Medical or Dental Office	P	P	--	P	--	P
Office	P	P	--	P	--	P
Urgent Care Facility	--	P	--	P	--	P
MIXED-USE						
Mixed-Use	--	--	--	--	--	--
INDUSTRIAL/AGRICULTURAL/NATURAL RESOURCE USES						
Animal Grazing	--	--	--	--	--	--
Beckkeeping	--	--	--	--	--	--
Crop Cultivation (greater than 1 acre)	--	--	--	--	--	--
Industrial						
Light Industrial	--	--	P	P	P	P
Heavy Industrial	--	--	--	AUP	P	P
Surface Mining and Reclamation/Processing; Development of Natural Resources	--	--	CUP	--	CUP	--
TELECOMMUNICATION AND UTILITIES USES						
Telecommunication Facilities						
Administrative Telekom Facilities [7]	--	AUP	--	AUP	--	AUP
Minor Telekom Facilities	--	AUP	--	AUP	--	AUP
Major Telekom Facilities	--	CUP	--	CUP	--	CUP
Utilities, Major	--	AUP	P	P	P	P
Utilities, Minor	--	AUP	P	P	P	P

ATTACHMENT B
EXISTING AND NEW ZONING CODE - PERMITTED LAND USES

ZONE CATEGORY	OFFICE		LIGHT INDUSTRIAL		GENERAL INDUSTRIAL	
	EXISTING CODE	NEW CODE	EXISTING CODE	NEW CODE	EXISTING CODE	NEW CODE
Key P: Permitted Land Use CUP: Conditional Use Permit AUP: Administrative Use Permit --: Not Permitted						
OTHER USES						
Parking, Structured	--	P	--	P	P	P
Parking, Surface	--	CUP	--	CUP	P	CUP

Notes:

1. Only permitted in RS-20 with CUP
2. Only permitted in RS-20, RS-15, RS-10
3. Not permitted in NC Zone
4. AUP in RC Zone
5. Not permitted in NC/RC Zone
6. Excluding trade schools (except in CG zone)
7. Apartments only (Tract Maps require a CUP)
8. Government/public facilities are conditional but not subject to public hearing
9. Only in CH Zone
10. Permitted uses are less than 3,000 SF and with beer and wine only and subject to review by Admin Committee; Over 3,000 SF requires a CUP
11. Only in the CC and CH Zone with conditions
12. Only permitted in the CG Zone
13. A CUP is required for facilities of 500 or more.